AN

HISTORICAL ESSAY

ON

DIFFERENT GOVERNMENTS.

BY

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LIEUTENANT IN HIS MAJESTY'S MARINE FORCES.

As all Government began, ſo all Government muſt end, by the PEOPLE: Tyrannical Governments by their Virtue and Courage,——and Free Governments by their Vice and Baſeneſs.

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PREEACE.

As my late Treatiſe on the Principles of the Britiſh Conſtitution, and the Power and Influence which the Crown hath acquired ſince the Revolution,---obtained the approbation of an impartial, a diſcerning, and a generous Public; and as ſome Writers have ſince openly declared their Republican principles, whilſt others have propagated doctrines, not only derogatory to the Rights of Man, but totally repugnant to the principles of the Conſtitution, as re-eſtabliſhed at the glorious æra of the Revolution, I have been induced to offer my political ſentiments a ſecond time to the indulgence of the Public.

INTRODUCTION.

POLYBIUS, in his excellent diſſertation on Government, remarks, that the beſt form of Government is that which is compoſed of a due mixture of Monarchy, Ariſtocracy, and Democracy. He affirms that his aſſertion may not only be proved from reaſon, but from the evidence of fact, and cites, in proof, the Spartan Conſtitution, which was modelled upon that very plan by Lycurgus. He adds, that to perpetuate the duration of his government, Lycurgus united the peculiar excellencies of all the beſt Governments in one form; ſo that neither of the three parts, by ſwelling beyond its juſt bounds, might ever be able to deviate into its original inborn defects: but that whilſt each power was mutually drawn back by the oppoſite attraction of the other two, neither power might ever preponderate, but the balance of Government continue ſuſpended in its true equipoiſe.

From the obſervance of this nice adjuſtment of the balance of Government, he foretels the duration of all mixed Governments in general. He likewiſe remarks, that as all Government ariſes originally from the People, ſo all mutations in Government proceed primarily from the People alſo. For when once a State has ſtruggled through many and great difficulties, and emerged at laſt to freedom and wealth, men

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begin to ſink gradually into luxury, and to grow more diſſolute in their morals. The ſeeds of ambition will ſpring up, and prompt them to be more fond of contending for ſuperiority in the magiſtracy, and carrying their point in whatever they have ſet their hearts upon, than is conſiſtent with the welfare of the community. When once theſe evils are got to a head in a country ſo circumſtanced, the change muſt neceſſarily be for the worſe; becauſe the principle of ſuch change will ariſe from the gratification or diſappointment of the ambition of the chief citizens, with reſpect to honours and preferments; and from that inſolence and luxury ariſing from wealth, by which the morals of the private people will be totally corrupted. Thus the change in Government will be principally effected by the People. For when the People are galled by the rapine and oppreſſion of thoſe in power, ariſing from a principle of avarice; and corrupted and elated with an undue opinion of their own weight, by the flatteries of the diſappointed, which proceed from a principle of ambition, they raiſe thoſe furious commotions in the State, which unhinge all Government. Theſe commotions firſt reduce it to a ſtate of anarchy, which at laſt terminates in abloute Monarchy and Tyranny.

In the ſixth book of his hiſtory, he traces Government up to its firſt origin. He explains the principles by which different Governments roſe to the ſummit of their power and grandeur, and proves, that they ſunk to ruin, by a more or leſs rapid progreſs,

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in proportion as they receded more or leſs from the principles on which they were originally founded.

Whoever reads, with attention, the hiſtory of the Ancients, will find the obſervations of that celebrated Politician, as well as Hiſtorian, founded upon facts. He will learn the cauſes which combined to raiſe all mixed Governments to the ſummit of their power; and the means by which they originally deviated from thoſe firſt principles, which were the baſis of their grandeur; how by this deviation they tended towards their decline, and that thoſe means acquiring additional force from that very decline, neceſſarily produced thoſe evils which accelerated the deſtruction of every free people.

It is the deſign of the following Treatiſe, compiled from the beſt authors, both Ancient and Modern, to explain the principles of the free govenments eſtabliſhed at Sparta, Athens, and Rome: To trace the ſteps by which thoſe Sates roſe to the ſummit of their power and grandeur, and to ſhow, as a caution to the people of Great Britain, the cauſes which brought on their ruin.

As a thirſt of conqueſt, luxury, the inſeparable concomitant of wealth, avarice, venality, faction, effeminacy, and a total degeneracy of manners, which never fails to entail public diſorder and breach of Conſtitution, prepared the way for, and finally brought on, the ſubverſion of thoſe once great and powerful Republics, the unbiaſſed and attentive Reader will judge whether we are in an improving ſtate, or whether

ther, and by what degrees, we are verging towards deſtruction.

It is likewiſe the deſign of the following Eſſay, to trace the Engliſh Syſtem of Government up to its origin, by explaining the principles upon which it was eſtabliſhed by our Saxon Anceſtors: To ſhow how that beautiful ſyſtem was deſtroyed by a combination of the Clergy with William the Conqueror: To trace the cauſes which combined to eſtabliſh *Magna Charta*, or the Great Charter of the Engliſh liberties, as well as thoſe by which the elective power of the People, the firſt principle of the Anglo Saxon Conſtitution, was reſtored. In fine, to give a conciſe detail of the ſignal Revolutions which have happened in our government, the ſhocks it hath ſuſtained, and the many powerful efforts made by the People, in order to eſtabliſh and ſupport their rights and privileges againſt the encroachments of the crown, from the Norman conqueſt to the memorable Æra of the Revolution: And to endeavour to point out the indiſpenſible neceſſity of bringing back our Conſtitution to the principles upon which is was originally founded, by the re-eſtabliſhment of Annual Parliaments, and an equal Repreſentation of the People —a Repreſentation either commenſurate to the property or to the population of the Kingdom:—A meaſure that hath been avowed and ſupported by the higheſt authority in the kingdom; by eminent individuals, and by conſiderable bodies of men, diſtinguiſhed by their rank and property, as well as by their abilites, their virtue and patriotiſm:—A meaſure

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would reſtore and preſerve the balance of the government, which our heavy debts and enormous taxes, our Septennial Act, and inadequate and abſurd Repreſentation of the people, have, by throwing ſuch a weight of power into the Executive ſcale, totally deſtroyed :—A meaſure that would render the Houſe of Commons ſo honeſtly and ſubſtantially the Repreſentatives of the People, that Republicans would no longer have topics of invective, nor Miniſters the means of corruption.—A meaſure that would aboliſh the innovations, and reform the abuſes, which, through time and faction, have crept into the Government, and which have been long complained of, and ſeverely felt, by the great body of the People :—A meaſure that would leſſen the expence of Government ſeveral millions, and conſequently diminiſh our heavy taxes.—A relief to which the lower claſſes of the People, the principal ſupporters of the ſtate, are juſtly entitled :—And a meaſure that would not only ſtrengthen the baſis of the Revolution upon which the ſettlement of the illuſtrious reigning Family is founded, but render our Syſtem of Government the moſt perfect that was ever eſtabliſhed in in the world. Happy if my weak endeavours could in the leaſt contribute to an end ſo ſalutary, ſo truly deſireable !

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DIFFERENT GOVERNMENTS.

CHAP. I.

SOME REMARKS UPON GOVERNMENT ADAPTED TO THE SUBJECT.

A RESPECTABLE author juſtly obſerves, that the motives for which mankind aſſociate together, being for the protection of their perſons and property from violence, it is a matter worthy of obſervation, that they have often miſtaken their end, and have frequently fallen into ſlavery and miſery, by the very means they had taken to preſerve themſelves happy and free. This perhaps may, in ſome meaſure, ariſe from ſome latent cauſe in the nature of Government itſelf, which, in all ſocieties, neceſſarily implies a power to be veſted ſome where; and the difficulty ſeems to be, in placing that power in ſuch a manner, that it may not be ſubject to abuſe, and counteract the end for which it was eſtabliſhed.

If the firſt principle of Government be erroneous, there is nothing but error that can proceed from it. And if the firſt principle of Government be even founded upon truth, yet ſuch is the inſatiable thirſt of power in moſt men, that they will ſacrifice even heaven and earth, to wreſt it from its foundation; to eſtabliſh a power in themſelves, to tyrannize over the perſons and property of others. Thus what we call the civilized ſtate of man, has long been reduced to a far more miſerable condition than the ſavage.

Thoſe communities of men, that have laid down the paternal authority as the firſt principle of Government; that is, that the head of the oldeſt branch of the tribe ſhould govern the tribe, have founded themſelves upon the principles of ſlavery; and have accordingly, in a few generations, fallen under the deſpotic rule of one man; as we find many of the eaſtern nations have done, from the moſt early period of hiſtory. They had either no idea of any mode of Government, by which individuals might exerciſe their narural rights, as men, or they totally diſregarded it.

The free ſtates of Greece were the firſt, in ancient hiſtory, that had any regard to the natural rights of mankind. Theſe, particularly Sparta and Athens, founded their firſt principles of Government upon truth; by placing the ſupreme power of the ſtate, in laws made by the mutual conſent of the people; who alſo elected Magiſtrates to adminiſter thoſe laws for a limited time only.

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The Romans were the next body of men that figured in the world, upon this principle; and, indeed, they received their information from the Greeks, whom they copied in moſt of their principles of law and government.

But the Germans, and other northern nations that over-ran Europe, at the diſſolution of the Roman Empire, introduced a ſyſtem of Government, for the preſervation of the common rights of mankind, as far ſuperior to the Greek and Roman Commonwealths, as theſe ſurpaſſed the governments of the Medes and Perſians.

The conquerors, according to Monteſquieu, ſpread themſelves all over the country; living moſtly in the fields, and very little in towns. When they were in Germany, the whole nation was able to aſſemble. This they could no longer do, when they were diſperſed through the conquered provinces: And yet, as it was neceſſary that the nation ſhould deliberate on public affairs, purſuant to their uſual method before conqueſt; they had therefore recourſe to repreſentatives.† Such is the origin of the Gothic Government amongſt us. At firſt it was mixed with Ariſtocracy and Monarchy, a mixture attended with this inconvenience, that the common people were bondmen. The cuſtom afterwards ſucceeded of granting letters of infranchiſement, and was ſoon followed by ſo perfect a harmony between the civil liberty of the people, the privileges of the Nobility, and the Prince's

† Tacitus expreſly ſays, that, among the ancient Germans, the conſent of all the members of the community was required in every important deliberation

Prince's prerogative, that I really think, there never was in the world a Government ſo well tempered, as that of each part of Europe, ſo long as it laſted. "Surpriſing," the ſame judicious Author adds, "that the corruption of the Government of a conquering nation, ſhould have given birth to the beſt ſpecies of conſtitution that could poſſibly be imagined by man."

CHAP. II.

OF THE MOST REMARKABLE GRECIAN GOVERNMENTS, VIZ. SPARTA AND ATHENS.

Of the early ſtate of Greece in general—How peopled—Of the manner and Government of the Heroic Ages—Of the Change from the Heroic Ages to the more advanced periods of its hiſtory.

GREECE, ſo juſtly celebrated for the glory of her arms, the wiſdom of her laws, and the improvement of arts and ſciences, contained, in its infant ſtate, a number of petty kingdoms, and, in after ages, many powerful States and Cities, whoſe baſis was liberty; but is now, owing to corruption and innovations in its Government,—to ambition and faction amongſt the great,—and a total degeneracy of manners among all ranks of the people, reduced to beg-

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gary and ſlavery under the oppreſſive yoke of Turkiſh tyranny.

Greece was peopled by the deſcendants of Javan, ſon of Japhet, and grand-ſon of Noah, who had eſtabliſhed himſelf in the Weſtern coaſt of Aſia Minor. To theſe firſt inhabitans ſucceeded colonies from Egypt, and Aſia, who, under their reſpective leaders, contributed to inſtruct and civilize the Greeks. The Phœnicians taught them navigation and commerce; and the Egyptians and Cretans the knowledge of their laws and polity. "The Greeks, ſays the Abbè Raynal, by improving upon all the arts and ſciences, elevated human reaſon to a degree of perfection, which has been reduced ſo low by the ſubſequent revolutions of Empire, that in all probability it will never riſe again to the ſame ſtandard." Be this as it may, the Greeks were undoubtedly ſuperior in arts and arms to all the ancient nations; and few of the modern nations have been able to imitate, and none have found it poſſible to ſurpaſs, them, in the arts which adorn either peace or war.

In the early ages of Greece, Monarchical Government was almoſt univerſally eſtabliſhed in that country; yet their Kings were far from being abſolute*. Their ſubjects acknowledged the prerogative of an hereditary King, who derived his authority from Jupiter, but who was no longer entitled to the divine protection, than he continued to obſerve juſtice, and

* The executive and judiciary powers were veſted in the ſovereign; and the people were poſſeſſed of the legiſlative authority.

and to maintain the unalienable privileges of his ſubjects. Thus, while they aſſerted the rights of man, they reſpected, during peace and war, the ſacred prerogative of Royal Majeſty.

After Monarchy had ſubſiſted about nine hundred years, it every where gave way to a Republican form of Government, which had liberty for its vital principle; but that liberty was reaſonable and ſubſervient to laws.

Of all the Republics of which Greece was compoſed, Sparta and Athens, owing to their civil polity and military proweſs, diſtinguiſhed themſelves above the reſt, and held indiſputably the firſt rank. Thoſe celebrated legiſlators, Lycurgus, and Solon, by their excellent ſyſtems of Government, by their wholeſome laws and regulations, and by the improvement of agriculture, commerce, arts and ſciences, laid the foundation of that power and grandeur for which Athens and Sparta were ſo juſtly famed in after ages.

In the time of Lycurgus, Greece preſented a gloomy picture of domeſtic diſcord. The celebrated, though romantic ſentiments of antiquity had ceaſed to prevail; the heroic character was effaced; and the generous, but often deſtructive, expeditions into foreign lands, were interrupted by leſs daring but ſtill more fatal undertakings. The introduction of ſeparate wealth had introduced inequality and ambition. Each petty Prince was deſirous to exact his prerogative, and to extend his dominions. The paſſions of neighbouring Princes balanced his deſire

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of conqueſt. The reſiſtance of his ſubjects counteracted his uſurpations. Every kingdom, almoſt every city, was torn by a double conflict; dangers threatened on all ſides; ſubjects expelled their Kings; and Kings became Tyrants.

CHAP. III.

OF THE RISE, DECLENSION, AND FALL OF THE SPARTAN GOVERNMENT.

SECT. I.

How Sparta retained the Manners and Government of the Heroic Ages after the other States had laid them aſide—Of the ſingularity of two Kings,—Its effects—How Sparta was indebted to Lycurgus—Of the kingly power.—Of the Senate.—Of the Aſſembly of the people.—Of various laws aſcribed to Lycurgus.—Of the effects of theſe inſtitutions—1ſt. On their connections with other nations.—2d. On the interior department of their government.—The introduction of the Ephori.—Of its effects.

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THE Spartan ſyſtem of Government conſiſted of a confuſed mixture of hereditary Monarchy, divided between two families, and a diſorderly Democracy, utterly deſtitute of the balance of a third intermediate power, a circumſtance ſo eſſential to the dura-

tion of all mixed Governments. Owing to the diſſentions between the reigning families—the conſequence of the fatal diviſion of the Regal authority—to pride and the abuſe of power on the ſide of the Kings, and the deſire of independence, and an immoderate love of liberty on that of the people, Sparta was frequently involved in commotions and revolutions. By theſe diviſions the Government was upon the brink of falling into anarchy and confuſion, when Lycurgus took the adminiſtration upon him during ſome part of his nephew Charilaus's minority, who was heir to one moiety of the crown. The abilities, the virtues, and the diſintereſtedneſs of this great man, procured him the eſteem of both Kings and people, who empowered him not only to alter their laws, but to new-mould their conſtitution.

After having carefully examined the civil and religious polity of the ancient kingdom of Egypt, and the juſtly celebrated plan of Government eſtabliſhed by Minos in the renowned iſland of Crete, Lycurgus proceeded to new-model the conſtitution of Sparta; to regulate the wealth and poſſeſſions of its citizens; and to reform their education and manners.

He limited the authority of the Kings, and chiefly confined it to the buſineſs of war and religion. They were inveſted with the moſt important functions of Prieſt, Judge and General. He eſtabliſhed a Senate, compoſed of twenty eight chiefs, the moſt diſtinguiſhed in the tribes and cities, as the barrier

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of the Conſtitution againſt the encroachments either of Kings or People. This auguſt aſſembly, in which the Kings preſided, was formed into a permanent council which examined all matters of Government, before they were propoſed to the deliberations of the people. The members were choſen for life, and, in all important queſtions, they poſſeſſed a negative before debate. To the people, who conſiſted of nine thouſand Spartans, inhabitants of the capital, and thirty thouſand inhabitants of the inferior towns, villages, and country, Lycurgus gave the privilege of electing the Senators, and giving their ſanction to thoſe laws which the Kings and Senate ſhould approve.

Theſe inſtitutions tended to reſtore the mild moderation of mixed Government, which diſtinguiſhed the Heroic Ages: They confirmed the hereditary honours, but aboliſhed the deſpotiſm, of Kings. They inforced the dutiful obedience, but vindicated the liberty, of ſubjects: They confirmed and extended the ancient honours of the nobility.

Of the many ſalutary laws and regulations eſtabliſhed by Lycurgus, the following were the moſt ſingular and judicious; and tended to give permanence and ſtability to his ſyſtem of Government. In order to introduce an equality in the manner of life, and to baniſh the ſeeds of luxury, he aboliſhed all debts, eſtabliſhed an Agrarian law (an equal diviſion of land) as the ſureſt foundation of liberty and happineſs. It was likewiſe enjoined by the laws, and deemed honourable by the citizens, freely to communicate their

arms, horſes, inſtruments of agriculture and hunting, to eat together at common and frugal tables, agreeable to the inſtitutions of Crete, as well as to the practice of the Heroic Ages, to diſregard every diſtinction but that of perſonal merit; to deſpiſe every luxury but that of temperance, and to diſdain every acquiſition but that of the public eſteem.

As Sparta was entirely a military Republic, and the moſt powerful that ever was in the world, conſiſting of an equal number of people, the ſciences of war and Government were recommended by the laws of Lycurgus, as the only purſuits deſerving the attention of freemen.* Courage, the firſt quality of a ſoldier, was enlivened by every motive that can operate moſt powerfully on the mind, while cowardice was branded as the moſt odious and deſtructive of crimes, on the principle that it tended not like many other vices, merely to the hurt of individuals, but to the ſervitude and ruin of the Commonwealth.

To protect his country from external invaſions, Lycurgus formed the whole body of the people, without diſtinction, into one well armed, well diſciplined national militia, whoſe leading principle was the love of their country, and who eſteemed death in its defence, the moſt exalted height of glory to which a Spartan was capable of attaining.

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* In the knowledge and practiſe of war, the Lacedemonians, ſays Xenophon, who had fought with, and againſt them, far excelled all Greeks and Barbarians.

To guard his citizens againſt commerce and the dangerous ambition of foreign conqueſt, the ſources of corruption, luxury, and depravation of manners, he prohibited all navigation and war at ſea to his people. He likewiſe forbade the uſe of gold or ſilver money, and introduced a ſpecies of iron coin in its ſtead, which was of great weight, and ſmall value, and could only be current at home. He thus put it out of their power to project conqueſts, which a people ſhut up within the narrow bounds of a peninſula, could not carry very far without being maſters at ſea, and poſſeſſed of wealth, the ſinews of war.

Senſible that juſt and virtuous manners are the beſt ſupport of the internal peace and happineſs of every ſtate, he eſtabliſhed a moſt excellent plan of education for training up his countrymen, from their very infancy, in the ſtricteſt obſervance of their religion and laws, and the habitual practice of thoſe virtues which can alone ſecure the bleſſings of liberty, and perpetuate their duration. The education of youth, as an office of the higheſt confidence, was committed to thoſe who had enjoyed, or were entitled to enjoy, the moſt ſplendid dignities of the Republic. They were taught muſic and drawing; they were taught to read and ſpeak their own language with graceful propriety; to compoſe in proſe and verſe; above all to think, and in whatever they ſaid, even during the flow of ungarded converſation, to accomodate the expreſſion to the ſentiment. Their ſendentary ſtudies were relieved by the Orcheſtric and Gymnaſtic exercifes, the early practice of which might qualify them

them for the martial labours of the field. For this moſt important buſineſs of their manhood they were ſtill farther prepared, by being nurſed, even in their tender years, to a life of hardſhip and ſeverity. To go bare-foot, to lie hard, to ſhift with little meat and drink, to ſuffer heat and cold, to be inured to blows and to wounds ſo as to vent neither complaint nor groan; —theſe were the rudiments of the Spartan youth with regard to war, and enabled them one day to ſupport all its fatigues, and to confront all its dangers. The habit of obeying, contracted from the moſt early years, reſpect for the Magiſtrates and Elders, a perfect ſubmiſſion to the laws, from which no age nor condition were exempt, prepared them amazingly for military diſcipline, which is the very ſoul of war, and the principle of ſucceſs in all great enterpriſes.

To maintain the populouſneſs, and increaſe the ſtrength of Sparta, which that continual exercise in arms muſt gradually have exhauſted, marriage was directly enjoined by ſome very ſingular inſtitutions; but ſtill more powerfully encouraged by extirpating its greateſt enemies, luxury and vanity. Batchelors were debarred from aſſiſting at the female dances. They were compelled to walk bare-footed through the ſtreets in the winter ſolſtice, ſinging a ludicrous ſong, which acknowledged the juſtice of their puniſhment. The time of marriage was fixed; and if a man did not marry when he was of full age, he was liable to an action. Virgins were married without portions, becauſe neither want

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ſhould hinder a man, nor riches induce him to marry contrary to his inclinations. Such as had three children had great immunities; ſuch as had four were free from all taxes whatſoever.

Such of the arts as ſerved only to luxury, were not permitted to be introduced into their city. The Spartans did not admit any of the theatrical diverſions among them; they would not bear the repreſentation of evil, even to produce good; but other kinds of poetry were admitted; provided the Magiſtrates had the peruſal of pieces before they were laid before the Public.

To ſhut out litigiouſneſs, and to prevent that multiplicity of ſuits, which is always ſcandalous in a State, and prejudicial to the community, it was held indecent and of ill report, for a man to have any fondneſs for law ſuits, or to be buſying himſelf at the tribunals, when he had no affairs there of his own.

The paternal authority, which maintained the diſcipline, and promoted the grandeur of Rome, was firmly eſtabliſhed at Sparta, where every father might exerciſe an unlimited power, over not only his own, but the children of others, who were all alike regarded as the common ſons of the Republic. This domeſtic ſuperiority naturally prepared the way for civil pre-eminence; the elective dignities of the State were obtained only by men of experienced wiſdom; and it required ſixty years of laborious virtue to be entitled to a ſeat in the ſenate houſe, the higheſt ambition of the Spartan chiefs. Such

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regulations had a direct tendency to produce moderation and firmneſs in the public councils, to controul the too impetuous ardour of a warlike people, to allay the ferment of domeſtic faction, and to check the dangerous ambition of foreign conqueſt.

Such were the principles of the Spartan laws, and ſyſtem of Government, eſtabliſhed by the immortal Lycurgus, which that judicious hiſtorain Polybius propoſes as a general model worthy the imitation of every community: And Plutarch aſſerts that the Spartans held the firſt rank in Greece for diſcipline and reputation full five hundred years, by adhering to the laws of Lycurgus.

But the inſtitution of the Ephori induced as fatal a change in the Spartan Conſtitution, as the tribuneſhip of the people, which was formed upon that model, did afterwards unto the Romans. About one hundred and thirty years after the time of Lycurgus, five Magiſtrates, called Ephori, (a Greek word ſignifying inſpectors) were anually elected by the people out of their own body, and inveſted with a power to convoke, prorogue, and diſſolve the aſſemblies of the people, in which they preſided: and to inſpect and controul the adminiſtration of Government.

Theſe Magiſtrates, deſigned at firſt as checks upon the Kings and Senate, and whoſe authority was exactly defined and limited, gradually extended their power; and, at laſt, not only ſeized upon every branch of the adminiſtration, but aſſumed the power of impriſoning, depoſing, and putting their Kings to death by their own authority. The Kings too, in return, ſometimes

ſometimes bribed, ſometimes murdered and depoſed the Ephori; and employed their whole intereſt to procure ſuch perſons to be elected, as they judged would be moſt tractable. The creation therefore of the Ephori muſt be conſidered as a fatal innovation in the Spartan form of Government, and proved the firſt inlet to faction and corruption.

That theſe evils aroſe from the inſtitution of the Ephori is evident from the teſtimony of Ariſtotle, who thought it extremely impolitic to elect Magiſtrates, veſted with the ſupreme power in the ſtate, out of the body of the people; becauſe it often happened, that men extremely indigent were raiſed in this manner to the helm, whom their poverty tempted to become venal. "For the Ephori, as he affirms, had not only been frequently guilty of bribery before his time, but even at the time he wrote, ſome of thoſe Magiſtrates, corrupted by money, uſed their utmoſt endeavours, at the public repaſts, to accompliſh the deſtruction of the whole city." He adds too, "that as their power was ſo great as to amount to a perfect tyranny, the Kings themſelves were neceſſitated to court their favour by ſuch methods as greatly hurt the Conſtitution." From theſe remarks of the judicious Ariſtotle, it is evident, that the Ephori, in his time, had totally deſtroyed the balance of power eſtabliſhed by Lycurgus. From the corruption and tyranny, therefore, of this Magiſtracy, proceeded thoſe convulſions which frequently ſhook the State of Sparta; and was a principal cauſe of the declenſion and fall of the Republic.

CHAP. III.

OF THE CAUSES OF THE RISE, DECLENSION, AND FALL OF THE REPUBLIC OF SPARTA.

SECT. II.

Of their foreign affairs.—Of their warlike temper—as the effect of their Inſtitutions—Of the various events which the Invaſion of Xerxes occaſioned—Of the war between Cyrus and Artaxerxes;—and the Retreat of the ten thouſand—Of the effect of theſe wars on the already warlike ſpirit of the Spartans—Their invaſion of Aſia;—and its unhappy concluſion—Of the revolt of their allies—Of their defeats at Leuctra and Mantinæa—Of the ſtate of their internal Government—and the principal Cauſes of the Fall of the Republic.

DURING the fifth and ſixth centuries before the Chriſtian Æra, the monarchial Government was gradually aboliſhed in every province of Greece, except at Sparta; and the celebrated inſtitutions of Lycurgus and Solon were eſtabliſhed at Lacedemon and Athens. But the abolition of Monarchy tended only to multiply the evils which it was deſigned to remedy. Greece oppreſſed by its Kings, was ſtill more oppreſſed by its Magiſtrates, and already too much divided under the ancient Government,

was

was ſtill more ſubdivided under the new form of polity. Many inferior cites diſdained the juriſdiction of their reſpective capitals. Several of them affected ſeparate and independent ſovereignty. Each ſtate, each city, little ſatisfied with its own dominions, was ſtudious to aggrandize itſelf at the expence of its next neighbour. Thence a ſucceſſion of perpetual hoſtilites between the Thebans and the Athenians; between the latter and the Lacedæmonians, between the Phocians and the Theſſalians; between the Lacedæmonians and Meſſenians; and in general, between each community and its neighbours. Thus the Greeks, by their conſtant exerciſe in war, acquired that diſciplined valour which eminently diſtinguiſhed them above other nations of antiquity. During theſe turbulent ages, Sparta and Athens, by their policy and military proweſs, acquired ſuch an extent of territory, as not only rendered them the moſt powerful States in Greece, but competitors for the Sovereignty of that country.

While Greece was thus harraſſed by inteſtine diſſentions, her colonies, in Aſia Minor, maintained and extended their poſſeſſions over the whole weſtern coaſt of the Continent, extending above ſix hundred miles in length. Poſſeſſing the mouths of great rivers, having convenient and capacious harbours before them, and behind the wealthy and populous nations of Aſia, whoſe commerce, together with that of Egypt, they enjoyed and poſſeſſed, the Aſiatic Greeks attained ſuch early and rapid proficiency in the arts of navigation and traffic, as rendered them a wealthy and

powerful maritime people. They diffuſed new colonies every where around them, and flouriſhed in peace and proſperity till their growing wealth and numbers excited the avarice or the jealouſy of the powers of Aſia. They were ſucceſſively conquered by the Lydians and Perſians, but never thoroughly ſubdued. In their glorious ſtruggles to reaſſume the character of freemen, they ſolicited and obtained the aſſiſtance of the Athenians, who, at that period, poſſeſſed a very conſiderable naval ſtrength, and reſiſted for the ſpace of ſix years, the whole force of the Perſian Empire. This war, owing to the diſſentions among the confederates, concluded fatally for the colonies; and occaſioned that memorable rivalſhip between the Greeks and Perſians, which, having laſted two centuries, ended in the deſtruction of the Perſian Empire.

When Xerxes, with the whole forces of the Eaſt,* invaded Greece, in order to chaſtiſe the audacity of the Athenians for ſupporting his rebellious ſubjects, and to effect the conqueſt of all Europe, the Lacedæmonians and Athenians, though abandoned by many of their diſtant colonies, and by ſeveral of the neighbouring States, not only oppoſed, but obtained many ſignal and deciſive victories over the enemy,

* The whole of his forces amounted to about 2, 600, 000 men, without including women and Eunuchs, thoſe inſtruments of pleaſure and luxury, and the ſlaves neceſſary in tranſporting the baggage and proviſions, who were computed to equal the number of Soldiers.—The greateſt multitude of people that ever was collected together.

enemy, and at laſt totally deſtroyed his vaſt armada and his numerous and formidable armies.

The heroic Leonidas, king of Sparta, at the head of a ſelect and valiant band of troops, defended, for the ſpace of three days, the ſtraits of Thermopylæ againſt the innumerable army of Xerxes. At length ſurrounded by the enemy, not conquered, but oppreſſed by numbers, they were buried under a trophy of Perſian arms. Thus, at the price of their lives, they purchaſed immortal renown, and gave an example of patriotiſm, worthy of being admired, if it ſhould never be imitated, by poſterity.

After having loſt twenty thouſand of his beſt troops, in forcing this paſs, Xerxes entered Attica, laid waſte the whole country, burned the cities, and levelled the temples with the ground. But fortune no longer favoured this great King; his numerous fleet was defeated at Artemiſium, and four hundred gallies were either taken or deſtroyed.

After this engagement, both fleets received powerful reinforcements; the Grecian fleet conſiſted of 380 ſail, that of the Perſians of above 1500.* The Greeks animated by their late victory, reſolved to give the enemy battle, and ſailed to the ſtraights of Salamis,

* The Triremes, Quadriremes, and Quinquiremes of the Ancients, were ſo denominated from the number of the ranks, or tiers of oars on each ſide of the veſſel; which number conſtituted what we may call the rate of the ancient ſhips of war. Each ſhip carried on board from 200 to 250 men. The ſea fight of the Corinthians with their rebellious colony, Corcyra, is the firſt naval engagement recorded in hiſtory. It was fought 650 years before the Chriſtian Æra, at which time the Corinthians were regarded by their neighbours as a wealthy and luxurious people.

Salamis, where the Perſians could not, by reaſon of the narrowneſs of the Sea, extend their line beyond that of the Greeks. The Perſians, truſting to the immenſe ſuperiority of their fleet, accepted the challenge; and, after an obſtinate reſiſtance, were totally defeated. In this bloody and deſtructive battle, which was one of the moſt memorable recorded in hiſtory, the Greeks loſt only 40 ſhips, and the Perſians above 300.

The remains of the Perſian fleet left the coaſt of Greece, and took ſhelter in the harbours of Aſia Minor. Xerxes, who from the Attic coaſt had ſeen the defeat of his fleet, being apprehenſive that the conquerors ſhould ſail to the Helleſpont, and there obſtruct his return, left Mardonius in Greece, with an army of 300,000 men, and arrived at Seſtos with a ſmall retinue, after intolerable hardſhips and fatigue. Famine and peſtilence filled up the meaſure of their calamities; and, excepting the forces committed to Mardonius, ſcarcely a remnant was left of the many millions, with which he had marched ſo proudly over the Helleſpont. Upon his arrival at Seſtos, he found the bridge broken down by the violence of the ſtorms; and ſuch is the obſcurity with which Xerxes returned from Greece, compared with the blaze of grandeur in which he arrived there, it is uncertain whether he croſſed the Helleſpont in a ſhip of war, or only in a fiſhing boat.

After having a ſecond time laid waſte and deſtroyed the whole country of Attica, Mardonius returned into

into Bæotia, and prepared to give battle to the Greeks, who were approaching him in order to decide the fate of Greece, and perhaps of all Europe. His army conſiſted of 300,000 Medes, Perſians, Scythians, and Indians, ſtrengthened by 50,000 auxiliary troops from Thrace, Macedon, and Greece. That of the Greeks, commanded by Pauſanias, King of Sparta, and by Ariſtides, commander in chief of the Athenians, amounted to about 110,000. Near the little city of Platæa, the hoſtile armies joined battle. After Mardonius, who diſplayed ſignal marks of his courage, and made a great ſlaughter of his enemies, fell, his forces were routed; his camp ſtormed; and of his whole army ſcarce three thouſand made their eſcape. This deciſive victory not only delivered the Greeks from the danger of ſervitude, but gave them immenſe ſpoil, conſiſting in vaſt ſums of money, in gold and ſilver cups, veſſels, tables, bracelets, rich beds, and all ſorts of furniture.

The ſame day in which the battle of Platæa was fought, the Greeks obtained a glorious and deciſive victory at Mycale, a promontory of Aſia Minor, over the remainder of the Perſian army and navy. The Perſians, unwilling to hazard another engagement at ſea, retired to Mycale, where the army lay encamped, conſiſting of 100,000 men, drew their ſhips on ſhore, and ſurrounded them with a ditch and palliſade. The Greeks landing, attacked and defeated the Perſians in a pitched battle; and having made a prodigious havoc of the enemy, ſet fire to their ſhips, burnt the whole camp, and ſailed for Salamis, loaded

ed with an immenſe booty.* Thus ended all the great deſigns of Xerxes, and thus was Greece delivered not only from the preſent, but from all future invaſions of the Perſians.

From this period, the Athenians, to whom the command of the armies of Greece, of which the Lacedæmonians had been in poſſeſſion, was transferred, carried on an offenſive war againſt the Perſian Empire, for the ſpace of thirty years; and at length dictated to that haughty court the moſt humiliating conditions of peace.

From the æra of this glorious peace to the fatal defect at Cheronæa, a ſpace of one hundred and eleven years, Greece, with ſhort variations of domeſtic quiet and foreign hoſtility, exhibits the melancholy picture of inteſtine diſcord. Each of the republics of Athens and Lacedemon aſpired to the ſovereignty of that country. The Kings of Perſia, not daring to attack thoſe imperious and haughty rivals with open force, endeavoured to weaken them by their own arms, and thereby put it out of the power of any of them to become formidable to their Empire; they not only fomented their quarrels with gold, but ſometimes aſſiſted the one ſtate, and ſometimes the other. Hence proceeded many long and deſtructive wars, particularly that of Peloponneſus, in which Athens, aſſiſted by feeble or reluctant allies, long ſtruggled againſt the combined ſtrength of Peloponneſus, Bæotia,

* Above 60,000 Perſians fell at Mycale; and, on the ſide of the Grecians, this battle was more bloody than any other fought in the courſe of the war.

tia, Macedon, Perſia, and Sicily. At length the memorable victory obtained by the Lacedæmonians and their allies over the Athenians, at the Goats river on the Helleſpont, humbled the power of Athens, and put an end to the Peloponneſian war, after it had laſted twenty ſeven years.

Soon after the concluſion of this long and celebrated war, Cyrus, who was governor of Aſia Minor, and by whoſe aid the Lacedæmonians had obtained the victory that made them maſters of Greece, revolting againſt his ſovereign and brother, was joined by a body of auxiliary troops from Lacedæmon, Achaia, Bæotia, and Theſſaly. This occaſioned the famous retreat of the ten thouſand, which is ſo juſtly celebrated as the boldeſt and beſt conducted exploit to be found in ancient or modern hiſtory.

Cyrus, at the head of an army of 13,000 Greeks, and 100,000 regular troops of other nations, after a march of ſix hundred leagues, arriving in the plains of Cunaxa, in the province of Babylon, gave battle to Artaxerxes, whoſe army conſiſted of nine hundred thouſand men. The Greeks defeated Artaxerxes' left wing, and the King, who commanded his right wing, killed Cyrus, routed the left wing of that Prince's army, and, rallying his troops, marched to ſurround and attack the Greeks. That invincible body of troops, perceiving the motions of the enemy, wheeled about, and halted with the river at their backs. Upon this manœuvre, the King changed his order of battle, drew up his army in front of them, and marched to the attack. Upon

his approach, the Greeks advanced, charged, and routed his whole army. The next morning, having received the news of Cyrus's death, they ſent deputies to his general Arieus, offering him as victors, the crown of Perſia in the room of Cyrus. Arieus rejecting this offer, they ſet out on their return to Greece. At a vaſt diſtance from their own country, in the very heart of the Perſian Empire, ſurrounded by a numerous army, they had no way to return again into Greece, but by forcing their retreat through an immenſe tract of unknown countries, almoſt all in arms againſt them. But their valour and reſolution maſtered all theſe difficulties, and in ſpite of a powerful army, which purſued and haraſſed them all the way, they made a retreat of two thouſand three hundred and twenty five miles, through provinces belonging to the enemy, and arrived, through a thouſand dangers, victorious and triumphant in their own country.

After this famous retreat, which inſpired all Greece with a wonderful confidence in their forces, and a ſupreme contempt of the Barbarians, the Lacedæmonians, under the command of Ageſilaus their King, invaded the Perſian dominions. Being joined by the Aſiatic Greeks, he reduced a great part of the Leſſer Aſia, enriched both himſelf and his army with the ſpoils of the enemy; and made the great King tremble on his throne.

But that Monarch, aprehenſive that Ageſilaus would carry the war into the Upper Aſia, appointed Conon, the Athenian, admiral of his fleet; and ſent large

large ſums of money into Greece, to corrupt the leading men in their cities, and rekindle a war againſt the Lacedemonians. All the allies of Sparta, weary of her ſevere and unjuſt ſway, waited only a favourable opportunity to revolt. Accordingly, the Thebans, Argives, Corinthians, and Athenians, entered into a confederacy, and took the field, in order to reinſtate themſelves in their ancient power, and to deprive the Lacedemonians of the ſovereignty of Greece.

In conſequence of this confederacy, Ageſilaus was recalled to defend his country, and Conon, admiral of the Perſian fleet, obtained a complete victory over that of the Lacedæmonians, which put an end to their power in Aſia. After this battle, almoſt all the allies of Sparta revolted; and her affairs daily declined, till the defeats at Leuctra and Mantinea* almoſt completed her downfal.

Thus the Greeks continued to weaken and exhauſt themſelves, by domeſtic diſſentions, and foreign hoſtilities, till Philip, King of Macedon, and father of Alexander the Great, rendered himſelf the abſolute maſter of Greece by the memorable battle of Cheronæa.

Rollin obſerves, "that whilſt the majority of the people, and thoſe who governed, were actuated by the ſpirit of Lycurgus's laws, and ſteadily adhered to the principles of his Government, Sparta was power-

* The two immortal daughters of the famous Epaminondas, the Theban General.

ful and glorious. But no ſooner had the ambition of reigning over all Greece inſpired the Lacedæmonians with the deſign of having naval armaments, and foreign troops, and that money was neceſſary for their ſupport, than Sparta, forgetting her ancient maxims, ſaw herſelf reduced to the ſcandalous neceſſity of paying ſervile court to the Perſian Monarchs, whom ſhe had formerly vanquiſhed with ſomuch glory, and that only to draw from them ſupplies of money and troops againſt their own brethren—people born and ſettled in Greece like themſelves.—Thus had they the imprudence and misfortune to recal, with gold and ſilver, into Sparta, all the vices and crimes which the iron money had baniſhed; and to prepare the way for the changes which enſued, and were the cauſe of their ruin."

It is evident, that the wars and conqueſts, which raiſed the Lacedæmonians to ſo high a pitch of power, gradually weakened the republic, and prepared the way for its final ruin. The military proweſs of Sparta gave her victory, ſlaves, and wealth, by which the manners of her citizens were corrupted, and the State depopulated. While the landed intereſt ſubſiſted, the State was ſtill preſerved; notwithſtanding the many abuſes which had crept into the Conſtitution. But as ſoon as the landed eſtates became alienable by law, the moneyed intereſt prevailed, and at laſt totally ſwallowed up the landed, which the hiſtorians remark as the death's wound of their Conſtitution. For the martial virtue of the citizens not only ſunk with the loſs of their eſtates, but their number,

ber, and conſequently the ſtrength of the State, diminiſhed in the ſame proportion.

Ariſtotle condemns that law which permitted the alienation of their lands; and affirms, that the ſame quantity of land which, whilſt equally divided, ſupplied a militia of 1500 horſe, and 30,000 heavy armed foot, could not in his time furniſh one thouſand; ſo that the ſtate was utterly ruined for want of men to defend it. About one hundred years after the time of Ariſtotle, the number of the old Spartan families was dwindled to ſeven hundred; out of which about one hundred rich overgrown families had engroſſed the whole land of Sparta, which Lycurgus had formerly divided into thirty nine thouſand ſhares, and aſſigned for the ſupport of as many families.

Her decline of power from theſe cauſes; her ſeverity, haughtineſs, and injuſtice to her neighbours and allies; her conſtitution infringed, her laws ſubverted; and her people oppreſſed, by the tyrannical Ephori; and her Magiſtrates and citizens enriched and corrupted by her conqueſts, brought on her final ſubverſion,

I ſhall here obſerve, that the laws and ſyſtem of Government eſtabliſhed at Crete, were the model of thoſe of Sparta; and that Sparta was the laſt that fell a prey to the Macedonians, and Crete to the Romans. The Cretans made a braver reſiſtance than the greateſt Kings; they defended their laws and liberty for the ſpace of three years.

CHAP.

CHAP. IV.

OF THE RISE, DECLENSION, AND FALL OF THE ATHENIAN REPUBLIC

SECT. I.

Of the ſtate of the Athenian government under the Archons—Of the wretched condition of the populace—Solon choſen umpire of their laws and conſtitution—Of the abolition of debts—Of the judiciary and executive authorities—Of the power of the people—Of the Senate—Of the court of the Areopagus—Of the Magiſtrates and Juries—Of Solon's laws and regulations;—and their effects.

THE Republic of Athens, once the ſeat of learning and eloquence, and the centre of wit, gaiety, and politeneſs, exhibits a ſtrong contraſt to that of Sparta, as well in her form of Government, as in the genius and manners of her inhabitants. After having been long governed by Kings and afterwards by Archons, Athens aſſumed entire liberty under a Democratical Government eſtabliſhed by Solon.

Codrus, King of Athens, having glorioufly ſacrificed his life to the ſafety of his ſubjects, the grateful Athenians reſolved that no man from thence-

forth

forth ſhould bear the title of King, and gave that of Archon to his ſon and ſucceſſor. The authority of Archon continued hereditary during ten ſucceſſions: It became afterwards decennial: At length nine annual Archons were appointed by the powerful claſs of nobility, conſiſting not only of the deſcendents of ſuch foreign Princes as had taken refuge in Athens, but of thoſe Athenian families which time and accident had raiſed to opulence and diſtinction. The great body of the people gained nothing by theſe revolutions. The equeſtrian order, ſo called from their fighting on horſeback, which, before the improvement of tactics, rendered them ſuperior in every recounter with the diſorderly rabble, enjoyed all authority, religious, civil and military; and the people were reduced to a condition of miſerable ſervitude. They ſuffered the combined evils of anarchy and oppreſſion. The magiſtrates plundered the treaſury and the temples; and often betrayed, for bribes, the intereſts of their country. The rich tyrannized over the poor; the poor continually alarmed the ſafety of the rich. The rapacity of creditors knew no bounds. They compelled the inſolvent debtors to cultivate their lands, like cattle; and to transfer to them their ſons and daughters, whom they exported as ſlaves to foreign countries. The wretched populace were on the point of having recourſe to arms, in order to butcher their oppreſſors, to eſtabliſh an equal partition of lands, and to conſtitute a new form of Government, when Solon, by the unanimous

nimous ſuffrage of the whole community, was cho-ſen umpire of their laws and Conſtitution.

This legiſlator's great principle was, to eſtabliſh as much as poſſible a kind of equality amongſt his citizens, which he regarded as the baſis of liberty. He therefore maintained the ancient diviſion of property, but aboliſhed debts. He reduced the rate of intereſt to 12 per cent.; and prohibited for the future the making any man's body liable for a debt.

He left the adminiſtration of juſtice in the hands of the Archons, and the executive power in thoſe of the Nobles, as they had been till then; but placed the ſupreme power in the people.* For this purpoſe, he divided the whole body of the people into four claſſes, according to the produce of their eſtates. The firſt claſs conſiſted of thoſe whoſe lands annually yielded 500 meaſures of liquid, as well as dry commodities; the ſecond conſiſted of thoſe whoſe eſtates produced 300 meaſures; the third of thoſe whoſe eſtates produced 200; the fourth, and by far the moſt numerous claſs, either poſſeſſed no landed property, or at leaſt enjoyed not a revenue equal to 200 meaſures. To this fourth claſs he granted the right of giving their ſuffrages in the aſſemblies and trials of the people. But the three firſt claſſes were excluſively entitled to ſit in the Senate, to decide in the court of the Areopagus, or to hold any other office of Magiſtracy. To theſe dignities they were annually

† They conſiſted of 20,000 citizens, 10,000 ſtrangers, and 400,000 ſlaves. Servants, ſtrangers, and ſlaves had no vote in the aſſemblies of the people.

annually elected by the free ſuffrages of the people, to whom they were accountable for their adminiſtration, and by whom they might be puniſhed for malverſation or negligence.

All ranks of citizens, legally convened in their aſſemblies, were entitled to decide, by a plurality of voices, the alternatives of peace and war, to contract or diſſolve alliances with foreign States; to enjoy all the branches of legiſlative or Sovereign power; and to elect, approve, and judge the magiſtrates or miniſters entruſted for a limited time, with the executive authority.

The Senate of four hundred, which about ninety years after its inſtitution, was augmented to five hundred, enjoyed the important prerogative of convoking the popular aſſembly; of previouſly examining all matters before they came to be decided by the people, which gave them a negative before debate in all public reſolutions, and of making laws which had force during a year, without acquiring the conſent of the populace. Beſides this general ſuperintendence and authority, the Senate was excluſively inveſted with many particular branches of executive power. The preſident of that council had the cuſtody of the public archives and treaſury: the Senate alone built ſhips, equipped fleets and armies; ſeized and confined ſtate criminals; examined and puniſhed ſeveral offences, which were not expreſsly forbidden by any poſitive law.

The weight of ſuch a council, which aſſembled every day, except feſtivals, infuſed a large mixture

of Ariſtocracy into the Athenian Conſtitution. This was ſtill farther increaſed by the court of the Areopagus, the moſt ſacred and moſt reſpectable Tribunal not only of Greece, but of all which we read of in hiſtory. Before the time of Solon, this court conſiſted of ſuch perſons as were moſt conſpicuous in the ſtate for their wealth, power and probity; but that Legiſlator ordained that ſuch only ſhould have a ſeat therein as had ſerved the office of Archon. The court of the Areapagus was inveſted with a general inſpection over the laws and religion, as well as over the lives and manners of the citizens; and which, in dangerous emergencies, was entitled to aſſume a ſort of dictatorial power. Thus Solon inſtituted the two Senates as the anchors of the Conſtitution. That of four hundred, to ſecure the ſtate againſt the fluctuating temper and tumultuous fury of the people; that of Areopagus to reſtrain the dangerous encroachments of the great and wealthy.

The principal magiſtrates in Athens were the nine Archons, the firſt of whom gave his name to the year, and preſided in the civil courts of juſtice, where a committee of the people, choſen promiſcuouſly from all claſſes by lot, ſat as judges and jury; but where it belonged to the Archon, and his aſſeſſors, men appointed by ſuffrage, and acquainted with forms, to take what in this country is called a precognition, to preſcribe the form of action, to give the ballot, and to receive and declare the verdict and ſentence of the court. The Archon next in dignity, who had the appellation of King, preſid-

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ed in cauſes reſpecting religion and things ſacred, which formed the object of an important and dangerous branch of Athenian juriſprudence.

The Archon third in dignity, with his aſſeſſors the Generals, preſided in military matters; and the ſix remaining, who were known by the general appellation of Theſmothetæ, heard criminal pleas of various kinds, or rather directed the proceedings of the ſix courts where criminal cauſes were examined and determined. Theſe nine Archons, or preſidents of the ſeveral courts of juſtice, like all other Athenian Magiſtrates, were, at the expiration of their annual office, accountable to the people; and when their conduct, after a ſevere ſcrutiny, was found to merit public approbation and gratitude, they were received, and remained for life, members of the Areopagus.

Such is the great outline of the Athenian Conſtitution, according to which every citizen enjoyed the ineſtimable privilege of being judged by his peers, and tried by laws to which he himſelf had conſented. Although the legiſlative and judicial powers were thus lodged with the people, men of property and ability were alone entruſted with the adminiſtration of Government; and as power in ſome meaſure followed property, the ſame expedient which ſerved to maintain a due diſtinction of ranks in ſociety, tended alſo to promote the induſtry and frugality of the multitude, that they might hereby become entitled to ſhare thoſe honours and of-

fices, to which perſons of a certain eſtate could aſpire.

But the people of Athens, having in a ſhort time tripled the revenues, and increaſed, in a far greater proportion, the dominions of the Republic, became haughty after their victories, and uſurped the power of both Senate and court of Areopagus; and brought, in the firſt inſtance, all cauſes and deliberations before their own tribunals: And this popular aſſembly, or mob government, as it may be juſtly termed, inflamed by the ſeditious harangues of corrupt Demagogues, was the great leading cauſe of the ruin of the State.

The laws and regulations, eſtabliſhed by Solon in ſupport of his ſyſtem of Government, were of the moſt extenſive nature, comprehending not only rules of right, but maxims of morality, regulations of commerce, and precepts of agriculture. His laws reſpecting marriage, ſucceſſion, teſtaments, the right of perſons and of things, were incorporated into the Roman jurisprudence about the middle of the fifth century before Chriſt, and ſerved, after an interval of above ſixteen hundred years, to aboliſh the barbarous practices of the Gothic nations, and to introduce juſtice, ſecurity, and refinement among the modern inhabitants of Europe.

I ſhall only mention a few of Solon's laws, which tended to promote courage, induſtry and virtue, the natural and laſting pillars of every free Government. In order to prevent idleneſs, and to render the people induſtrious, he ordained that a ſon

ſhould

ſhould be releaſed from all obligation to maintain an aged father, in caſe that father had not bred him up to ſome trade. He veſted the court of the Areopagus with a power of examining how people lived, and of puniſhing idleneſs: he allowed every man a right to proſecute another for that crime, and in caſe a perſon was convicted of it thrice, he ſuffered infamy.

He compelled children to be dutiful to their parents, permitting the latter, in caſe of diſobedience, to diſinherit and turn them out of doors.

The huſband, who ſurpriſed his wife in adultery, was allowed by Solon to kill the adulterer; but he decreed, that if the huſband lived with her afterwards, he ſhould be deemed infamous. He likewiſe enacted that no adultereſs ſhould be permitted to adorn herſelf, and in caſe ſhe did, he gave liberty to any that thought fit to tear her cloaths off her back, and beat her into the bargain.

He ordained that none ſhould revile the dead, even though provoked by the children of the deceaſed. This law procured him great applauſe, and had certainly in it much both of humanity and policy.

He decreed, that if one citizen injured another, any Athenian might have his action againſt him; hence it is evident, he regarded each individual as a member of the body politic, which could not be hurt without affecting all the other members; and thus he provided againſt the power of the Great; for though a poor man, who was injured, might think fit to acquieſce, yet a perſon of equal rank with the aggreſſor

greſſor, might, either out of a principle of juſtice, or of rivalſhip, commence a proſecution on that account.

To preſerve the pure blood of Athens unmixed and uncorrupted, ſtrangers, and all thoſe who could not aſcertain their Athenian deſcent, both in the male and female line, were totally excluded from the popular aſſemblies and courts of juſtice. Nor could any foreigner, whatever merit he might claim with the public, be admitted to the rank of citizen, unleſs he forever abandoned his native country, profeſſed the knowledge of ſome highly uſeful or ingenious art, and, in both caſes, had been choſen by ballot, in a full aſſembly of ſix thouſand Athenians.

In this warlike, as well as commercial republic, Solon condemned ſuch as avoided going to war, fled from the army, or ſhewed any other flagrant ſign of cowardice, to be expelled the ſanctified precincts of the Forum, to be forever debarred from wearing a crown or wreath, and from being allowed to enter any places of public worſhip. But, on the other hand, he provided for the children of ſuch as were ſlain in the ſervice of the State, by directing that they ſhould be brought up and inſtructed at the public expence, till they were twenty years old.

The education recommended by Solon nearly reſembled that which generally prevailed in Greece. The exerciſes that ſerved for the forming of either the bodies or minds of the young Athenians, were dancing, muſic, hunting, fencing, riding, polite learning and philoſophy. Athens, that ſchool of vice and pleaſure,

pleaſure, as well as of the arts and muſes, formed alone more great men in every kind than any other city in the world.

The daily practice of her citizens in the gymnaſtic gave them agility of limbs, dexterity of hand, and an unuſual degree of vigour both of body and mind. Their conſtant exerciſes in war inured them to hardſhip and fatigue, accuſtomed them to the uſeful reſtraints of diſcipline, and familiariſed them to thoſe ſkilful evolutions which commonly decide the fortune of the field.

Plutarch obſerves, "That Solon, ſeeing the territory of Attica was barren, applied himſelf to turning the induſtry of his citizens upon arts, trades, and commerce, in order to ſupply his country thereby with what it wanted on the ſide of fertility." This taſte became one of the maxims of the Government, and fundamental laws of the ſtate, and perpetuated itſelf amongſt the people, but without leſſening in the leaſt their ardour for war.

At the age of twenty the youth of all ranks were enrolled upon the liſt of citizens, and took an oath in the temple of Minerva, to obey and to maintain the laws of their country; to uſe their beſt endeavours to promote its proſperity; to follow the ſtandards of whatever commanders might be appointed to conduct them; to ſail to every part of the world, when ſummoned by the public ſervice; and to regard wheat, barley, vines, and olives, as the only boundaries of Attica: a prepoſterous arrogance in that little republic, which already betrayed an ambition

bition to conquer and appropriate all the cultivated parts in the world. When the Athenian youth were not, in conſequence of this oath, engaged in military ſervice, they were obliged by law to follow ſuch employments as ſuited their reſpective fortunes. Agriculture, commerce, and mechanic arts, fell to the ſhare of the poor; the rich ſtill continued their application to gymnaſtic and philoſophy, carefully ſtudied the laws of the Republic, examined the ancient and actual condition of their own and neighbouring States; and, at the age of thirty, appeared as candidates in the aſſembly for ſuch offices of truſt and honour as the irregular manners, innoffenſive and dutiful behaviour, in all the relations of private life, temperance, œconomy, public ſpirit and abilities might obtain from the voluntary ſuffrage of the people. Such were the inſtitutions of Solon, which were equally calculated to form the ſtateſman and the man; and to perpetuate the duration of his Government.

CHAP. IV.

OF THE CAUSES OF THE POWER AND GRANDEUR, THE DECLINE AND FALL OF THE REPUBLIC OF ATHENS.

SECT. II.

Of their Commerce, and Naval Power—Of their military and naval Exploits—Of their Colonies and Conquests,--and their effects—Of the Innovations made in the Government by Clysthenes—Of the farther invasions of the People on the Prerogatives of their Superiors—Of the Ambition and Conquests of Pericles,—and their effects on the Constitution and morals of the people—The Judiciary power engrossed by the people—Of their ambition, faction, luxury, corruption, effiminacy, and degeneracy of manners,—and their fatal effects.

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UNDER Solon's popular Government, and his wise laws and regulations, the Athenians soon acquired an ascendant in Greece, which was fatal to their enemies, painful to their rivals, and dangerous to themselves.

Their extensive commerce, and their supreme ability in maritime affairs, acquired them the sovereignty of the sea, and gave them a great superiority not only to all the other states of Greece, but to the

Kings of Perſia, and to all their maritime allies and tributaries.

The Athenians chaſtiſed the inſolence of the iſlanders of Eubæa and Ægina, who contended with them in naval power; and humbled the pride of Thebes, which rivalled them in military glory.

The famous victory obtained by the Athenians alone over the formidable army of Perſians, in the plains of Marathon, will tranſmit their names both for valour and conduct to the lateſt ages. When Greece was attacked by the whole force of the Perſian Empire, the Athenians ſacrificed every thing to the liberty of their country, to the preſervation of that equal Conſtitution of Government, which they had received from their anceſtors, and which it was their duty to tranſmit unimpaired to poſterity. They ſent their wives and children, and aged parents, to the neighbouring iſlands, and abandoned to the Perſian rage, their lands, their houſes, their city itſelf, with the revered tombs of their anceſtors, and embarked on board their fleet in order to fight the common enemy. Senſible of their inability to reſiſt the powerful and numerous army of Xerxes in the field, they had, with unremitting aſſiduity, increaſed their naval ſtrength, which they juſtly conſidered as the bulwark of their country. The ſhips equipped and manned by the Athenians alone amounted to two hundred ſail, and exceeded in number thoſe of all their allies together. The combined fleet of Greece, which conſiſted of 380 triremes, though ſmall when compared to the Perſian Armada, which

amounted

amounted to 1500 large veſſels, proved the ſafety of Greece, and prevented a country, from which the knowledge of laws, learning, and civility, was deſtined to flow over Europe, from becoming a province of the Perſian Empire, and being confounded with the maſs of barbarous nations. This invaſion, the moſt formidable recorded in hiſtory, and conducted by Xerxes in perſon, proved alike glorious to Greece, particularly to Athens, and fatal to Perſia.

Victorious by ſea and land againſt Greeks and Barbarians, the Athenians ſeemed entitled to enjoy in peace the fruits of their victories. But the pride of Athens increaſed with her power; and her growing ambition not only raiſed her to the ſummit of her grandeur, but accelerated her ruin.

The ſingle Republic of Athens, whoſe whole dominions were not larger than a third part of Scotland, carried on, during the ſpace of thirty years, an offenſive war againſt the Perſian Empire, and though ſurrounded by jealous allies or open enemies, proſecuted this extraordinary enterprize with unexampled ſucceſs: at length, granting ſuch conditions of peace as the pride of victory may dictate, and the weight of accumulated diſaſters condeſcended to ſolicit or accept. In that ſpace of time, the ſame Republic erected on the feeble baſis of her ſcanty population and diminutive territory, a mighty maſs of empire;---expelled the Perſians out of all the Greek cities of Aſia Minor, and the neighbouring iſlands;---eſtabliſhed and confirmed her authority over the extent of a thouſand miles of the Aſiatic coaſt, from

Cyprus to the Thracian Boſphorus;---reduced the ſtrong city of Byzantium, deſtined in future ages to become the ſeat of empire, and long to remain the chief emporium of Europe and Aſia;---took poſſeſſion of the important ſtraits which join the Euxine and the Ægean ſeas;---conquered and colonized the winding ſhores of Macedon and Thrace;---commanded the coaſt of the Euxine from Pontus to Crim Tartary;---and overawed the barbarous natives, as well as the great King of Perſia, by the terror of their fleet.

Such was the extent of the Athenian Empire, which had been built on ſuch ſtable foundations, as might have long defied the hoſtile jealouſy of Greece and Perſia, confederate in arms and reſentment, if corruptions and innovations in the Government, ambition and faction amongſt the Great, and a total degeneracy of manners among all ranks of the people, had not broken its firmneſs, and accelerated its fall.

While the Athenians extended their dominions, and increaſed their power, their commerce, and their wealth, ſeveral innovations were made in their ſyſtem of Government. After the Piſiſtratidæ, who had uſurped the ſupreme power, had been expelled Athens, and Solon's Government reſtored, the people were divided into two factions. At the head of the one was Clyſthenes, a man of great abilities; the other was under the auſpices of Iſagoras, a man of rank and in high eſteem with the Athenian nobility. Clyſthenes applyed himſelf chiefly to the people, and

in order to engage them in his intereſt, he made great alterations in the Government, which vaſtly increaſed their power. He admitted to the rank of citizens a promiſcuous crowd of ſtrangers, Athenians of half blood and ſlaves. He increaſed the number of tribes from four to ten hundred; and the Senators from four to five hundred. He likewiſe eſtabliſhed a law by which any citizen, whoſe influence or abilities ſeemed dangerous to liberty, might be baniſhed ten years, without the proof or allegation of any poſitive crime.

In this condition the Rebublic continued until the glorious victories of Salamis, Platæa, and Mycale, encouraged the loweſt but moſt numerous claſs of citizens, by whoſe valour thoſe memorable exploits had been atchieved, to make farther invaſions on the prerogatives of their ſuperiors. The ſudden wealth which the rich ſpoils of the Barbarians had diffuſed among all ranks of men, increaſed the cenſus of individuals, and deſtroyed the balance of the Conſtitution. Ariſtides, who perceived it to be impoſſible to reſiſt the natural progreſs of Democracy, ſeaſonably yielded to men who had arms in their hands and firmneſs in their hearts; and propoſed, with apparent ſatisfaction, but much ſecret reluctance, a law by which the Athenian magiſtrates ſhould be thenceforth promiſcuouſly elected from the four claſſes of citizens. This innovation paved the way for the ſtill greater changes begun twenty years afterwards, and gradually completed by Pericles.

After

After the death of Ariſtides, the people of Athens continued as much divided as ever; the popular party were continually making efforts againſt thoſe ſmall remains of power which were yet in the hands of the Nobility. They had at their head two very great and famous men, Pericles and Ephialtes. Cimon, the ſon of Miltiades by the daughter of the King of Thrace, who was diſtinguiſhed by his eminent abilities and virtues, as well as by the luſtre of his birth and actions, had placed himſelf at the head of the Nobility. Cimon, who had been introduced on the theatre of public life by the virtuous Ariſtides, regarded, like that great man, a moderate Ariſtocracy, as the Government moſt conducive to public happineſs. The contrary opinion was warmly maintained by Pericles, who, on every occaſion, defended the privileges of the people againſt the pretenſions of the rich and noble; he embraced not only the intereſt, but adopted the capricious paſſions of the multitude; cheriſhing their preſumption, flattering their vanity, indulging their rapacity, gratifying their taſte at the expence of the public, and fomenting their natural antipathy to the Spartans, who, as the patrons of rigid Ariſtocracy, were particularly obnoxious to their reſentment.

Amidſt the foreign expeditions of Cimon, and the domeſtic diſſentions of Greece, the Athenian arms and policy had been gradually, during thirty years, eſtabliſhing the ſovereignty of the Republic over her diſtant colonies and confederates. This bold undertaking was finally accompliſhed by Pericles, who contributed,

contributed, more than that of any one man, to the glory and greatneſs, as well as to the calamities and ruin of his country.

After the death of Cimon, the laſt great Captain and Patriot of Athens, the baniſhment of Thucydides by the oſtraciſm, the laſt competitor for power with Pericles, and the final reduction of the colonies and confederates, that ambitious Stateſman aſſumed the whole management of the Athenian affairs both at home and abroad. The ſeverities exerciſed over the tributaries of the Republic were greatly increaſed under the adminiſtration of Pericles. Athenian Magiſtrates and garriſons were ſent to govern and command them. They were burdened with new ard grievous impoſitions, and diſhonoured with new badges of ſervitude. Their taxes were tripled; and all their once independent and flouriſhing Republics and cities were thenceforth compelled to ſubmit their mutual conteſts, and their domeſtic differences, to the cognizance and deciſion of Athenian aſſemblies and tribunals. The treaſury was opened not only to erect and decorate magnificent marble theatres, but to enable the poorer citizens to enjoy their favourite amuſements, without incurring any private expence. Thus did Pericles, at the coſt of the State, or rather of its tributary allies and colonies, corrupt and oblige the people with their own money; a precedent which has been ſo ſucceſsfully followed by corrupt and ambitious Stateſmen in all ſucceeding ages.

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The money given to the poorer citizens for every deliberation which they held, and for every cauſe which they determined, was increaſed by Pericles from one obolus to three oboli, or five pence a head per day. The deſire of reaping this profit made the populace anxious to draw all cauſes and deliberations before their own tribunals and aſſemblies. This deſign was ſucceſsfully accompliſhed by Ephialtes; that corrupt and daring demagogue, whom Pericles employed as a proper inſtrument to effect ſuch invidious meaſures as were moſt obnoxious to the rich and noble. While his patron extended the renown of Athens by his foreign victories, and gradually ſubjected the colonies and allies of the Republic, the obſequious Ephialtes procured a decree whereby moſt of the cauſes which had been cognizable by the court of the Areopagus, and by other courts of juſtice, were transferred to the aſſemblies of the people. By thus retrenching the authority of the Senate and the court of the Areopagus, the firmeſt bulwarks of the Ariſtocracy, as well as the Conſtitution, he obtained a ſignal victory over Solon's ſyſtem of Government. From this period, moſt matters of importance came, in the firſt inſtance, before the popular aſſemblies; the wiſe inſtitutions of Solon were reduced into an empty form; and the magnanimity of Pericles, the extravagance of his immediate ſucceſſors, the patriotiſm of Thraſybulus and Conon, the integrity of Phocian, the artifices of Æſchines, and the eloquence of Demoſthenes, ſucceſſively ſwayed, at will, a wild and capricious Democracy.

The revolution which immediately followed, in the manners, character and conduct of the Athenians, was the natural conſequence of the change of Government, combined with other circumſtances inſeparably connected with their domeſtic and external proſperity. In the courſe of a few years, the ſucceſs of Ariſtides, Cimon, and Pericles, had tripled the revenue, and increaſed, in a far greater proportion, the dominions of the republic. The Athenian gallies commanded the Eaſtern coaſt of the Mediterranean; their merchants had engroſſed the traffic of the adjacent countries; they imported the luxuries of Italy, Sicily, Cyprus, Lydia, Pontus, and Peloponneſus. Inſtead of the bread, herbs, and ſimple fare recommended by the laws of Solon, the Athenians availed themſelves of their extenſive commerce to import the delicacies of diſtant countries, which were prepared with all the refinements of cookery. The wines of Cyprus were cooled with ſnow in ſummer; in winter the moſt delightful flowers adorned the tables and perſons of the wealthy Athenians. Nor was it ſufficient to be crowned with roſes, unleſs they were likewiſe anointed with the moſt precious perfumes. Paraſites, dancers, and buffoons, were an uſual appendage of every entertainment.

Among the weaker ſex, the paſſion for delicate birds, diſtinguiſhed by their voice or plumage, was carried to ſuch an exceſs as merited the name of madneſs. The bodies of ſuch youths as were not peculiarly addicted to hunting and horſes, which began to be a prevailing taſte, were corrupted by the com-

merce of harlots, who had reduced their profeſſion into ſyſtem; while their minds were ſtill more polluted by the licentious philoſophy of the Sophiſts. The companions of Aſpaſia, that celebrated Aſiatic courtezan, and favourite of Pericles, ſerved as models for painting and ſtatuary, and themes for poetry and panegyrick. Nor were they merely the objects, but the authors of many literary works, in which they eſtabliſhed rules for the behaviour of their lovers, particularly at table, and explained the art of gaining the heart, and captivating the affections. The dreſs, behaviour, and artifices of this claſs of women became continually more ſeductive and dangerous; and Athens thenceforth remained the chief ſchool of vice and pleaſure, as well as of literature and philoſophy.

The martial ſpirit of the Athenians ſubſided in proportion as luxury, corruption, and effeminacy gained ground amongſt them. The love of eaſe and a moſt inſatiable fondneſs for diverſions, now took place of thoſe generous ſentiments which before knew no other object but the liberty and glory of their country. The public revenues, appropriated for the ſervice of the fleet and army, were ſquandered in public feſtivals, and public entertainments. The ſtage was the chief object of the public concern, and the theatres were crowded, whilſt the camp was a deſert. Who trode the ſtage with the greateſt dignity, or who excelled moſt in the conduct of the drama, not who was the ableſt General, or moſt experienced Admiral, was the object of the public re-

ſearch,

ſearch, and public applauſe. Military virtue and the ſcience of war were held cheap, and poets and players engroſſed thoſe honours due only to the Patriot and the Hero; whilſt the hard earned pay of the ſoldier and the ſailor was employed in corrupting the indolent pleaſure-taking citizens. In fine, the Greeks, at this period, had loſt that virtue which was the baſis of their confederacy. Their popular government ſerved only to give a ſanction to licentiouſneſs and corruption. The principal orators in moſt of their States, were corrupted by Philip; and all the eloquence of a Demoſthenes, aſſiſted by truth and virtue, was unable to protract the fate of Athens.

The fatal conſequence of this degeneracy of manners, as Juſtin aſſures us, was, that the able Philip, taking advantage of the indolence and effeminacy of the Athenians, who before took the lead in defence of the liberty of Greece, drew his beggarly kingdom of Macedon out of its primitive obſcurity, and, by his deciſive victory at Cheronæa, put a period to the liberty of that once free and powerful people.

CHAP. V.

OF THE ROMAN GOVERNMENT.

Of the Origin of the Romans—Of the Principles of their Monarchial Government.—Of the Legiſlative Authority.—Of the Executive and Judiciary Powers.—Of the Senate.—Of the Aſſemblies of the People.—Of the Agrarian Law.—Of the Diviſion of the People into Tribes and Curiæ.—How the Conſtitution altered under Servius Tullius.—Of his admirable Inſtitutions, the baſis of their Popular Government—Of the Uſurpation, Tyranny, and Expulſion of Tarquin, the Fall of the Monarchy.

ROME, once the mighty miſtreſs of the world, owed her riſe, according to Dionyſius of Halicarnaſſus, to a ſmall colony of the Albans under the conduct of Romulus, the ſuppoſed grandſon of Numitor King of Alba.

The ſyſtem of Government inſtituted by Romulus, the founder of this Empire, was that perfect ſort, as it is termed by Dionyſius and Polybius, which conſiſted of a due mixture of Monarchy, Ariſtocracy, and Democracy. The crown was elective until the uſurpation of Servius Tullius. The legiſlative

legiſlative power was lodged n the King, the Senate, and the people. The Sovereign was entruſted with the executive and judiciary powers; he commanded the armies, and had the direction of the ſacrifices; he had the power of determining civil and criminal cauſes; and of convoking the ſenate and the aſſemblies of the people.

The ſenate was compoſed of an hundred of the principal citizens of Rome, conſiſting of men whoſe age, wiſdom or valour, gave them a natural authority over their fellow ſubjects. In this reſpectable aſſembly was tranſacted all the important buſineſs of the State, the King himſelf preſiding, although every queſtion was to be determined by a majority of voices.

The great employments of the State were ſolely confined to the Patricians, or Ariſtocratic part, but the Plebeians, or commonalty, who compoſed the third part of the Legiſlature, had the power of chuſing magiſtrates, enacting laws, and determining about wars when propoſed by the King. But their decrees were not final; for the concurrence of the Senate was abſolutely neceſſary to give a ſanction to the people's determinations.

This equal diſtribution of power was followed by an equal diviſion of land. The number of citizens, capable of bearing arms, amounted to 3000 foot, and 300 horſemen. Theſe were divided equally into three tribes; which were ſubdivided into ten curiæ or companies, conſiſting of an hundred men each with a centurion to command it, a prieſt called

Curio

Curio to perform the ſacrifices, and two of the principal inhabitants, called Duumviri, to diſtribute juſtice. According to the number of curiæ Romulus divided the land into thirty parts, reſerving one portion for public uſes, and another for religious ceremonies. The ſimplicity and frugality of the times will be beſt underſtood by obſerving, that each citizen had not above two acres of ground for his own ſubſiſtence. The people, in their general aſſemblies, divided into their reſpective curiæ, gave their votes man by man. The majority of votes in each curia paſſed for the voice of the whole curiæ, and the majority of the curiæ for the general determination of the whole people.

The Conſtitution altered under Servius Tullius, the ſixth King. The Senate had no ſhare in his election; he cauſed himſelf to be proclaimed by the people; he reſigned the power of judging civil cauſes, reſerving none to himſelf but the criminal; he eaſed the pooreſt citizens of all taxes, and impoſed the whole burden on the rich. In order to give the reader a perfect idea of the Roman Conſtitution, it will be neceſſary to mention ſome of the inſtitutions of Servius Tullius, who, though an uſurper, was a prince of real merit, and ſuperior, in point of abilities, to all the Roman Kings, Romulus alone excepted.

Tullius ordered all the Romans to regiſter their names and ages, with thoſe of their wives and children, and the place of their abode, either in the city or the country; he likewiſe enjoined them to give in upon oath a juſt valuation of their eſtates and effects.

fects. From this regiſter, Tullius formed his plan for a regular and general militia, which was invariably followed by the Romans, till the commencement of the civil wars, which gave the finiſhing blow to their liberty and Conſtitution. To carry his plan into execution, he divided the whole body of the people into ſix claſſes.* In the firſt he compriſed the body of the Senate, the Patricians, and all thoſe whoſe fortunes were above a hundred minæ, or about 300l. Sterling, at that time no contemptible fortune in Rome. Theſe he armed in the completeſt manner, and divided into eighty centuries; forty of which, compoſed of the younger men, were appointed to take the field in time of war; the other forty were aſſigned for the defence of the city. To theſe eighty centuries of heavy armed foot, he added eighteen centuries of horſe, ſelected out of thoſe who had the largeſt eſtates, and were of diſtinguiſhed birth. Thus the firſt claſs contained ninety eight centuries: The ſecond, third, and fourth claſſes, conſiſted each of twenty centuries only, and were compoſed of citizens, whoſe effects were eſtimated at ſeventy five, fifty, and twenty five minæ; and their arms were lighter according to their reſpective claſſes. The fifth claſs conſiſted of thoſe who were worth twelve minæ and a half, which he divided into thirty centuries, armed with darts and ſlings only, and were properly irregulars. The ſixth claſs which

* Their numbers were found to amount to above eighty thouſand men capable of bearing arms, a vaſt increaſe ſince the time of Romulus, a ſpace only of 216 years.

which was by much the moſt numerous, was comprehended in one century only, and conſiſted of the pooreſt citizens, who were exempted from all kinds of taxes, as well as all ſervice in the army. Thus the whole number of the citizens were divided into 193 centuries, each commanded by a centurion, diſtinguiſhed by his valour and experience.

The citizens, being in this manner ranked, were taxed, not as formerly, equally and one by one, but by centuries, each century being obliged to ſupply an equal ſhare to the exigencies of Government. By theſe means, as the people were extremely numerous in the centuries of the inferior claſſes, their quota of the tax was proportionably ſmall.

By this wiſe diſpoſition the burden of the war fell chiefly on thoſe who were beſt able to ſupport it. For Tullius thought it juſt, that they who had the greateſt property at ſtake, ſhould bear the greateſt ſhare of the burden both in their perſons and fortunes: as he judged it equitable that the pooreſt citizens ſhould be exempted from taxes, becauſe they were in want of the neceſſaries of life; and from the ſervice, becauſe the Roman ſoldiers ſerved at that time at their own expence; a cuſtom which continued long after. For the Romans received no pay, as Livy informs us, till the three hundred and forty eighth year from the foundation of the city.

As the rich, by this regulation, were ſubjected to the greateſt ſhare of the expence and danger, Tullius made them an ample recompence by throwing the chief power of the Government into their hands,

which he effected by the following ſcheme, too artful for the penetration of the common people. By the inſtitution of Romulus, the people in their aſſemblies voted by their curiæ, into ten of which every tribe was divided; and the meaneſt citizen had an equal vote with the greateſt: conſequently, as the poor were much more numerous than the rich, they carried every point by a great majority. Tullius altered this method; he took the votes of the people by centuries, not by tribes. This artful meaſure turned the ſcale, and transferred the majority to the rich. For as the votes of the firſt claſs were firſt taken, the votes of that claſs, which contained ninety eight centuries, if unanimous, always conſtituted a majority of three votes, which decided the queſtion without taking the vote of the five ſucceeding claſſes, as they were in that caſe wholly uſeleſs. The Plebeians in this manner were left but the ſhadow of authority, with which, however, for ſome ages, they ſeemed ſufficiently contented, until the increaſing luxury of the times taught one party the abuſe of power, and the other, a pride that diſdained ſubordination.

Tarquin conſidered Tullius as an uſurper, and took the crown as an hereditary right. He deſtroyed moſt of the Senators; thoſe who remained he never conſulted; nor did he even ſo much as ſummon them to aſſiſt at his deciſions. He likewiſe uſurped the authority of the people, without whom, and even againſt whom, he enacted ſeveral laws. The three powers were by this means reunited in his per-

ſon: but the tyranny of Tarquin ended in the expulſion of h[illegible]n and his ſons, and a ſolemn abjuration o[illegible] Monarchial Government.

CHAP. VI.

OF THE RISE, DECLENSION, AND FALL OF THE ROMAN EMPIRE.

SECT. I.

Of the Creation of the Conſuls—Of the Senate of 300—Of the Reſtoration of the People to the Rights which they enjoyed under their Limited Monarchy—Of the beneficent Laws of Poplicola—Of the Cruelty of Creditors to their Debtors—Of the Creation of a Dictator,—Its effects—Of the Seceſſion of the People to the Sacred Mount—Of the Creation of the Tribunes of the People;—Its effects—Of the Power of the Senate—Of the Authority of the Conſuls—Of the Rights and Privileges of the People—Of the Judiciary Power—Of the Tyranny of the Magiſtrates in the Extreme Parts of the Empire

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THE Patricians, who had been the chief conductors of the revolution, eſtabliſhed an Ariſtocracy upon the ruins of Monarchy. Two Magiſtrates were appointed, named Conſuls, and veſted with the regal power, whoſe office was annual and elective.

tive. The Senate* was filled up out of the moſt eminent of the Plebeians, after they had been firſt created Patricians; and the people reſtored to the right of holding aſſemblies, of giving their votes, and doing whatever they were entitled to under their limited Monarchy.

But the power of the people was rather nominal than real. For though the conſuls were annually elected by the ſuffrages of the people, a privilege which carried the appearance of a Democracy, yet as the votes were taken by centuries, not by tribes, the Patricians were always maſters of the election. The Conſul Valerius, ſurnamed Poplicola, a moſt humane man, and a favourite with the people, introduced ſome beneficent laws, which gave great relief to the Plebeians. By one he he made it capital for any perſon to exerciſe any magiſtracy over the Romans, unleſs that office ſhould be received from the people: by another he ordained that no Roman ſhould be puniſhed without a legal trial; and that if any Roman ſhould be condemned by any magiſtrate to be fined, whipped, or put to death, the condemned perſon might appeal from the ſentence of that magiſtrate to the people; that is, to the people compoſed of Senators, Patricians, and Plebeians. A plain proof that the Plebeians till that time laboured under grievances not very conſiſtent with their pretended liberty.

* Tarquinius Priſcus, the fifth King, had increaſed the number of Senators to 300.

Another proof may be drawn from the wretched ſtate of the Plebeians, under the cruel oppreſſions ariſing from the avarice and extortions of the Patricians, which firſt gave birth to thoſe perpetual ſeditions which fill the hiſtory of that republic, and occaſioned the creation of a dictator and tribunes of the people—Magiſtrates which occaſioned a great revolution in the Government, and at laſt brought on its total ſubverſion.

As the Roman ſoldiers, who were all free citizens, not only paid their proportion of the taxes, but were obliged to ſerve in the field at their own expence during the whole campaign, this frequently obliged them to borrow money at high intereſt of the Patricians, who had engroſſed by far the greater part of public wealth. But as the Roman territories were often ravaged by their neighbours in thoſe wars, which Tarquin perpetually incited to procure the recovery of his Crown, the loſs fell heavieſt upon the Plebeians, who were frequently ſtript of all their effects, and reduced to the utmoſt poverty. Hence unable to pay the principal of their debts, joined to an accumulated load of uſury upon uſury, they were ſurrendered by the judges to the diſcretion of their creditors. Theſe unfeeling wretches confined their debtors in chains, tortured their bodies with whips, and treated them with ſuch inhumanity, that when the Tarquins had raiſed up a confederacy of thirty cities of the Latins againſt the Romans, the Plebeians peremptorily refuſed to enliſt till a vote was paſſed for the abolition of their debts. But the Senate, determined never

never to grant their requeſt, reſolved to aboliſh the Conſulſhip, and all other magiſtracies for the preſent, and to inveſt a new magiſtrate with abſolute and unlimited power, and ſubject to no account for his actions. This new officer was termed the Dictator, and the duration of his office was limited to ſix months, at the end of which term the conſuls were to reſume their former authority.

The chief reaſon, according to Dionyſius, which induced the ſenate to make uſe of this dangerous expedient, was to evade that law which Poplicola had procured in favour of the Plebeians, which made it death for a Magiſtrate to puniſh a Roman without a legal trial, or before he was condemned by the people. The Senate then made a decree for the election of a dictator, and the Plebeians ignorant, as Dionyſius obſerves, of the importance of that decree, not only confirmed the reſolutions of the Senate, but gave them the power of chuſing the perſon who ſhould be inveſted with that dignity.

One of the Conſuls being nominated, and appearing in all the pomp and grandeur of his new office, ſtruck a terror into the moſt turbulent, and the people, thus tricked out of that law which was their only protection, immediately ſubmitted, a promiſe being made them, that their debts ſhould be paid out of the public treaſury.

But the war was no ſooner ended, than the Senate, regardleſs of their promiſe, ordered all their ſuits for debt to be determined according to law, which had been ſuſpended during the war.

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This faithleſsroceeding raiſed ſuch commotio rs amongſt the people, that a war was judged the beſt expedient to divert the Ariſtocracy. A war was therefore reſolved upon againſt the Volſcians, but the Plebeians again refuſed to obey the ſummons for enliſting. The Conſul Servilius adviſed an immediate decree for the abolition of the debts. But he was furiouſly oppoſed by the inexorable Appius his colleague, who called him a flatterer of the people, and declared that it would be giving up the Government to the people, when they had it in their power to live under an Ariſtocracy. But whilſt the Senate was deliberating about the number of the forces proper to be employed, a man advanced in years appeared in the Forum, and implored the aſſiſtance of the people. He firſt ſhewed ſeveral honourable ſcars in his breaſt, remains of the wounds he had received in the ſervice of his country, and then informed them, that he had been preſent in eight and twenty battles, and frequently received rewards beſtowed only upon ſuperior bravery: That in the Sabine war his cattle were driven off by the enemy, his eſtate plundered, and his houſe reduced to aſhes: That under theſe unhappy circumſtances he was compelled to borrow money to pay the public taxes; that this debt, accumulated by uſury, reduced him to the ſad neceſſity of ſelling the eſtate deſcended to him from his anceſtors, with what little effects he had remaining: But that all this proving inſufficient, his devouring debts, like a waſting conſumption, had attacked his perſon, and he with his two ſons,

were

were delivered up as ſlaves, and led away to the ſlaughter houſe by his creditors.*. When he had ſaid this, he threw off his rags, and ſhewed his back yet bleeding from the ſcourge of his mercileſs maſter. This ſight inflamed the people greatly; but the debtors, breaking out of their creditor's houſes, moſt of whom were loaded with chains and fetters, raiſed their fury even to madneſs. When deſired to take up arms in defence of their country, the debtors ſhewed their chains, as the reward they had met with for their paſt ſervices, and aſked, with indignation, whether ſuch bleſſings were worth fighting for. Whilſt the body of the people openly declared that it was much more eligible to be ſlaves to the Volſcians than the Patricians. The Plebeians now kept no meaſures with the Senate, but aſſembled openly, ſeceded to the Sacred Mount, demanded and obtained not only an abolition of their debts, but magiſtrates, termed Tribunes, to defend them againſt the encroachments and tyranny of the Patricians.

Theſe magiſtrates were annually elected by, and out of the body of the people. Their perſons were rendered ſacred, and their power was great, having a negative vote upon all the decrees of the Senate. They were controulable by none in the exerciſe of their power, but thoſe of their own character and dignity; their office alone of all the reſt, did not fall upon the election of a dictator, but was the ſecond

* See Livy's pathetic deſcription of this unhappy object

ſecond in power while he was preſent, and in his abſence the only civil magiſtrate in being.

The erection of the tribunitial power, which happened about ſixteen years after the expulſion of the Kings, balanced the Dictatorial power, and is certainly the æra from which the liberty of the Roman people ought to be dated. For both Livy and Salluſt affirm, that the people, before the creation of this Magiſtracy, were amuſed with the name of liberty, whilſt in fact they had only changed the tyranny of one, for the more galling yoke of three hundred. But the Tribunitial power proved an invincible obſtacle to the arbitrary ſchemes of the Patricians, and raiſed the Democratical power to an equality with the Ariſtocratic.

Here then is the plan of Government eſtabliſhed by the Romans after the expulſion of their Kings.

The legiſlative power was lodged in the Senate, and body of the people; the Conſuls and Senate were entruſted with the executive authority; and the judiciary power was committed to the people, to the Senate, to the Magiſtrates, and to particular judges.

Of the Power of the Senate.

This auguſt aſſembly diſpoſed of the public money, and farmed out the revenue; they were arbiters of the affairs of their allies; they determined war or peace, and directed in this reſpect the Con-

ſuls; they fixed the number of the Roman and of the allied troops; diſpoſed of the provinces and armies to the Conſuls or Prætors, and, upon the expiration of the year of command, had the power of appointing ſucceſſors; they decreed triumphs, received and ſent embaſſies; they nominated, rewarded, puniſhed, and were judges of Kings, gave them, or declared they had forfeited the title of allies of the Roman people. They had the power of impoſing taxes according to every man's cenſus or eſtate. They had their ſhare in paſſing laws, which were commonly firſt moved in their houſe, except ſuch as regarded the power and privilege of the people. Their decrees had the force of laws for the ſpace of a year, and did not become perpetual till they were ratified by the people. The great officers of State, and the judges both of civil and criminal cauſes were, for many years, elected out of their body. This power, together with the diſpoſal of the revenue, were the great checks which the Senate had upon the Plebeians.

Of the Authority of the Conſuls.

The Conſuls were inveſted with the regal power. They levied the troops which they were to carry into the field; they had the command of the forces by ſea and land; diſpoſed of the allies; were inveſted with the whole power of the Republic in the provin-

ces; gave peace to the vanquiſhed nations, impoſed conditions on them, or referred them to the Senate. They preſided in that aſſembly, governed the debates, and had power to compel any ſenator to attend the meeting. All magiſtrates, the whole body of the people, except the tribunes, obeyed them; and the execution of the law, with power of impriſonment, the good order of the city, and quiet of Italy, were, in the firſt inſtance, committed to them. In the field they were almoſt abſolute, here they had the diſtribution of military rewards and puniſhments, and were ſole judges even to life and death of every thing done in the field. But they were under the direction of the Senate in the exerciſe of their power, and accountable to the people at the expiration of their office.

Of the Rights and Privileges of the People.

The people retained their ancient great privileges of chooſing their Magiſtrates, and of confirming or rejecting the decrees of the Senate. All employments both civil and military were conferred by their votes. No general law could paſs without their conſent. No Roman could be put to death without their command; neither were the decrees of the Senate valid, until their Tribunes had examined whether they interfered with the privileges of the Plebeians. To them the grand and ultimate appeal lay

lay from every other tribunal. Before them the higheſt magiſtrate was to be arraigned, if guilty of neglect of duty, or breach of truſt; and the greateſt conqueror, when called upon, was obliged to appear before them, and give an account of his conduct. Theſe were the original prerogatives of the people, which undoubtedly were great, yet they gradually uſurped many of the prerogatives of the Patricians, and threw at laſt by much too great weight into the Democratical ſcale, which was a principal cauſe of the declenſion and fall of the Empire.

Of the Judiciary Power.

The Kings reſerved to themſelves the judgment of criminal affairs, and in this they were ſucceeded by the Conſuls. This was an exorbitant power. The Conſuls already inveſted with the military command, extended the exerciſe of it even to civil affairs; and their procedures being often ſtripped of all forms of juſtice, were rather exertions of violence than legal judgments. This abuſe was redreſſed by the creation of Quæſtors, on whom the power was conferred of determining criminal cauſes; Prætors were nominated for judging private affairs; Ædiles were eſtabliſhed for the civil polity of the city: Treaſurers were appointed for the managment of the public money; and Cenſors were created for regulating the

morals of the citizens, and the momentary policy of the different bodies of the State.

Every year the Prætors made out a liſt of judges, from among whom a certain number was choſen by lot, to ſit upon every ſpecial cauſe, and to whom both plaintiff and defendant had a right to except: the liſt was compoſed of fifteen men, elected by every tribe out of their own body. They decided points of law as well as fact, both in criminal and civil caſes; and in capital caſes gave their voice by balliot—a procedure, in the opinion of ſome writers, extremely favourable to liberty.

Such was the diſtribution of the Legiſlative, the Executive, and the Judiciary powers, at Rome. But they were far from being thus diſtributed in the provinces: liberty was at the centre, and tyranny in the extreme parts.

While Rome extended her dominions no farther than Italy, the people were governed as confederates; and the laws of each republic were preſerved. But as ſoon as ſhe enlarged her conqueſts, and the Senate had no longer an inſpection over the provinces, nor the magiſtrates reſiding at Rome were any longer capable of governing the Empire, they were obliged to ſend Prætors and Proconſuls. Then it was that the harmony of the three powers was loſt. Thoſe who were ſent on that errand, were entruſted with a power which comprehended that of all the Roman magiſtracies; nay, even that of the ſenate and of the people. They were deſpotic magiſtrates, extremely

tremely proper for the diſtance of the places to which they were ſent. They exerciſed the three powers, being the Baſhaws of the republic. While the city paid the taxes without trouble, or paid none at all,* the provinces were plundered by the knights who were the farmers of the public revenues.

"When the Judiciary power," ſays Monteſquieu, was transferred to the knights, who farmed the revenues, there was an end of virtue, policy, laws, magiſtracy, and magiſtrates." "All Aſia," ſays Mithridates, "expects me as its deliverer; ſo great is the hatred which the rapaciouſneſs of the Proconſuls, the confiſcations made by the officers of the revenue, and the quirks and cavils of judicial proceeding, have excited againſt the Romans." Hence it was that the ſtrength of the provinces made no addition to, but rather weakened the ſtrength of the empire. Hence it was that the provinces looked upon the loſs of the liberty of Rome as the epocha of their own freedom.

* After the conqueſt of Macedonia, the Roman citizens paid no taxes,

CHAP.

CHAP. VI.

OF THE CAUSES OF THE GRANDEUR, THE DECLENSION, AND RUIN OF THE ROMAN EMPIRE.

SECT. II.

Of the Baſis of the Roman Syſtem of Government—Its effects—Of their Wars with the Nations of Italy—Of their Ambition and Conqueſts—The Extent, Situation, Forces, and Revenues of their Empire—Of the Uſurpations of the Tribunes—Their Fatal Conſequences—Of the Effects of their Wealth and Conqueſts—Of their Civil Wars, and the Eſtabliſhment of a Standing Army—Their effects—Of the State of the Monarchy in its laſt Period—And the principal Cauſes of the Fall of the Empire.

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THE Romans founded their Syſtem of Government upon that beſt and wiſeſt principle, "The fear of the Gods, a firm belief of a Divine ſuperintending providence, and a future ſtate of rewards and puniſhments;" and upon liberty, ſupported, during the conſular period, a ſpace of about 460 years, by temperance and diſcipline, by juſtice and humanity, by induſtry and œconomy, and by a well regulated militia, compoſed of the whole body of the people—a people

people inviolably attached to the public good, and endowed with an intrepidity of courage which rendered them invincible. This proved the great ſecurity of Rome in her infant ſtate, and laid the foundation of all her future grandeur. And to the Conſular Government this Republic chiefly owed her majeſty, and the Romans their Empire.—To that ſucceſſion of annual Sovereigns, who had roſe by degrees to the ſupreme command, and whoſe merits or demerits in that high office were to make them for ever the object of the admiration, or ſcorn of their people. —For it muſt be admitted, that no one man placed in a high dignity for life, will exert himſelf with that vigour in the diſcharge of it, that another will do, who muſt found his ſole reputation upon the exerciſe of it for one year. And among all the human paſſions there is not one produces greatereffects, or atchives more difficult undertakings, than a noble emulation; and never had it a fairer field than between the two annual magiſtrates of Rome. This made them eager for war, and impatient to bring the enemy to battle, in order to put an end to the war with the campaign; and to return to the object of their wiſhes, and pride of their hearts--The Triumph.

"Rome," ſays Monteſquieu, "whoſe paſſion was to command, whoſe ambition was to conquer, whoſe commencement and progreſs were one continued uſurpation, had conſtantly affairs of the greateſt importance upon her hands; her enemies were always conſpiring againſt her, or ſhe againſt her enemies."

From

From the hiſtory of this Republic, it is evident, that the Romans, in the early ages of their State, were attacked on all ſides by the bordering nations, who both envied their ſudden growth, and dreaded their power and ſpirit. Even Alba, their mother city, ſoon looked with a jealous eye upon the proſperity of her ſons,--and, turning their rival, joined with the common enemy for their deſtruction. Thus the Romans were compelled by neceſſity to defend their infant State; and after ſeveral ages, and a ſeries of wars with the numerous and warlike nations of Italy, they acquired the ſovereignty of that fertile and populous kingdom.

But the ambition and rapacity of the Romans increaſed with their power. During the Conſular period, they extended their conqueſts to the Atlantic ocean on the Weſt; to the Rhine and Danube on the North; to the Euphrates on the Eaſt; and to the ſandy deſarts of Lybia on the South. Their Empire was above 2000 miles in breadth, from the Firth of Forth and the northern limits of Dacia, to mount Atlas and the Tropic of Cancer; and it extended, in length, more than 3000 miles from the Weſtern ocean to the Euphrates. It was ſituated in the fineſt part of the temperate Zone, between the twenty fourth and the fifty ſixth degrees of northern latitude; and it was ſuppoſed to contain about one hundred and twenty millions of inhabitants; a degree of population which poſſibly exceeds that of modern Europe, and forms the moſt numerous ſociety that has ever

been

been united under the ſame ſyſtem of Government. The naval and military forces, by which this extenſive Empire was defended, amounted to four hundred and fifty thouſand men: the land forces amounted to three hundred and ſeventy five thouſand men; and the navy, which conſiſted of 340 ſhips of war, carried on board 75,000 ſailors and ſoldiers: a military power which, however formidable it may ſeem, was, according to Voltaire, equalled by a Monarch† of the laſt century, whoſe kingdom was confined within a ſingle province of the Roman Empire. The annual revenue of this Empire amounted to about twenty millions Sterling. The real and perſonal property of the Roman citizens were aſſeſſed; and duties were impoſed on every kind of merchandize, which through a thouſand channels flowed to the capital, the great centre of opulence and luxury.

Whilſt the dominions of the Republic were extended by the policy of the Senate, the active emulation of the Conſuls, and the martial enthuſiaſm of the People, the ambitious and turbulent Tribunes not only infringed the Conſtitution, but deprived the Patricians of their rights and privileges; and were the cauſes of many of the diſorders that tore the frame of the Roman Government in pieces, and prepared the way for its final ruin.

Theſe magiſtrates obtained a law by which the Plebeians were entitled to the higheſt dignities and employments in the Republic. By the creation of

† Lewis the 14th.

Proconſuls, Prætors, Cenſors, Ediles, and military Tribunes, they not only ſtripped the Patricians of their prerogatives, but greatly increaſed their own power and influence. Not contented with encroaching upon the rights of the Patricians, they aſſumed the power of judging and condemning them. Thus the Senate ſaw themſelves reduced to an abject dependence upon the multitude, deprived of all ſecurity for their perſons, and their former rights of being judged by each other. The Tribunes procured a law that the people ſhould give their votes by tribes, and not by their curiæ or their centuries; by which means the direction of all public affairs devolved from the Patricians to the Plebeians. The Valerian law allowed of appeals to the people; that is, to the people compoſed of Senators, Patricians, and Plebeians; but the Tribunes obtained a law that appeals ſhould be brought before the Plebeians only.

The people, growing wanton in their proſperity, not only created the military Tribunes, the nomination of whom till then had belonged to the Generals, but, ſome time before the firſt Punic war, they decreed that themſelves only ſhould have the right of declaring war. "The miſchief," ſays Monteſquieu, "would not have been ſo great, had the Plebeians been ſatisfied with depriving the Patricians of their prerogatives; but they alſo injured them as citizens. When the people aſſembled by curias or centuries, they were compoſed of Senators, Patricians and Plebeians: In their diſputes, the Plebeians gained this point,

point, that they alone, without Patricians or Senate, ſhould enact laws called Plebiſcita: and the comitia in which they were made, had the name given them of comitia by tribes. Thus there were caſes in which the Patricians had no ſhare in the legiſlative power, and in which they were ſubject to the legiſlation of another body of the State. This," adds the ſame author, " was the higheſt extravagance of liberty," From theſe innovations in the Government, as well as uſurpations of the Tribunes, we may date the deſtruction of the balance of power between the chief branches of the State; the unhinging the Conſtitution, and the converſion of their ſyſtem of Government from a moderate Ariſtocracy to the very worſt form, a wild Democracy.

During the firſt ages of the Republic, the Romans, in the laborious ſchool of poverty, acquired the virtues of war and Government; and by means of frugality and induſtry, and by the force of that part of their Conſtitution, which formed the whole body of the people into a militia, they not only procured a comfortable ſubſiſtence, but were enabled to ſubdue Italy without bringing any burden on the State. But when a thirſt of glory, a luſt of dominion and avarice, impelled them to extend their conqueſts over a conſiderable part of the world, the ſpirit of induſtry declined, in proportion as the military gained the aſcendant. This warlike ſpirit of the Romans indiſpoſed them for agriculture, manufacture, and commerce; and their notions of conqueſt and of glory rendered them extravagant, pro-

digal, and vain. Rome became the theatre of pleaſure, as well as the ſeat of the Empire; whither all who wiſhed to act a part on the ſtage of ambition, popularity, or politics; all who wanted to engage in ſcenes of debauchery, or intrigues of State; all, in ſhort, who had any thing to ſpend, or any thing to expect, reſorted, as to a common mart. Both the tribute and the plunder of the provinces were imported into this imperial city, and there quickly ſpent; and whatever riches a few grandees, the leaders of armies, the governors of provinces, the minions of the people, or the harpies of oppreſſion, might have amaſſed together, the great body of the people were immerſed in debt, and miſerable beyond deſcription,—eagerly wiſhing for a new war, as the only means of repairing their deſperate fortunes.

Thus the Romans, inſtead of reaping any advantage from their wars and conqueſts, were beggared by them: And the ſame conqueſts, was raiſed the Republic to the ſummit of her grandeur, threw too much weight into the Democratic ſcale, and, by totally corrupting the Roman manners, brought on the final ruin of her Liberty and Conſtitution.

According to Livy, luxury was firſt introduced into Rome after the conqueſt of Aſia.* Before that fatal

* Luxury, ſays Juvenal, that entered Rome in triumph with the ſuperb ſpoils of Aſia, brought with her in her train irregularities and crimes of every kind, made greater havock in the city than the mightieſt armies could have done, and in that manner avenged the conquered globe.

fatal æra, the Romans were poor, but they were contented and happy, becauſe they knew no imaginary wants; and, whilſt their manners were virtuous, poverty itſelf was honourable, and added a new luſtre to every other virtue. But when once they had contracted a reliſh for the luxury of Aſia, they quickly found that the wealth of Aſia was neceſſary to ſupport it; and this diſcovery as quickly produced a total change in their manners. Before the conqueſt of Aſia, the love of glory, and a contempt of wealth, were the ruling paſſions of the Romans. After that period, money was the only ſubject of their applauſe and deſire. Before, ambition impelled them to war, from a thirſt of dominion; now, avarice, for the ſake of plunder, to ſupport the expence of luxury: Before, they ſeemed a race of Heroes; they were now a gang of inſatiable robbers. Formerly, when they had reduced a people to obedience, they received them as allies; they now made the conquered nations their ſlaves. They fleeced the provinces; and oppreſſed both friends and foes.

As the great offices, which entitled the poſſeſſors to the command of armies, and the government of provinces, were diſpoſed of by the votes of the people, no method was left unattempted to ſecure a majority of ſuffrages. The candidates for theſe employments not only exhauſted their own fortunes, but ſtrained their credit to the utmoſt, to bribe the people with ſhows and donatives. The fatal tendency of theſe evils was too obvious to eſcape the notice of every ſenſible Roman, who had any regard for liberty, and

their

their ancient Conſtitution. Cato propoſed a ſevere law, inforced by the ſanction of an oath, againſt bribery and corruption at elections; where the ſcandalous traffic of votes was eſtabliſhed by cuſtom, as at a public market. But, as Plutarch obſerves, he incurred the reſentment of both parties by that ſalutary meaſure. The rich were his enemies, becauſe they found themſelves precluded from all pretentions to the higheſt dignities; as they had no other merit to plead but what aroſe from their ſuperior wealth. The electors abuſed, curſed, and even pelted him, as the author of a law which deprived them of the wages of corruption; and reduced them to the neceſſity of ſubſiſting by labour. But this law, if it really paſſed, had as little effect as any of the former, and like the ſame laws in our own country, upon the ſame occaſion, was either evaded by chicane, or over-ruled by power. Our Septennial ſcenes of drunkenneſs, riot, bribery, and abandoned perjury, may ſerve to give us an idea of the annual elections of the Romans in thoſe abominable times.

The ſucceſsful candidates ſet out for their government, like hungry emaciated wolves, to fatten upon the blood of the miſerable provinces. Cicero makes heavy complaints of the rapine and extortion of theſe rapacious oppreſſors; and his orations againſt Verres, when accuſed by the Sicilians, gives us a complete idea of the behaviour of a Roman Governor in his province. "We have ſeen," ſays that Patriot and orator, "and have ſuffered in ſilence, the wealth of all nations to be transferred into the hands of a

few

few private perſons. Athens, Pergamus, Cyzicum, Miletos, Chio, Samos, in fine, all Aſia, Achaia, Greece, and Sicily, are now incloſed in ſome of the country houſes of thoſe rich and unjuſt men of rapine, whilſt money is univerſally a prodigious rarity every where elſe. And we have juſt reaſon to believe, that ourſelves connive at all theſe terrible and crying diſorders, as thoſe who commit, take no manner of pains to conceal, them, nor to hide their thefts and depredations from the eyes and knowledge of the public." The complaints of the oppreſſed Provincials were inceſſant; but every governor had his friends amongſt the leading men, whom they ſecured by a ſhare of the plunder; and the weight of their whole intereſt was applied to ſcreen the criminal: laws indeed were made againſt this crime of peculation, but they were eaſily eluded, becauſe the judges, who were choſen out of the body of the people, were as corrupt as the offenders, and were frequently their aſſociates in villainy.

A modern author obſerves, that the Roman ſenate was, at this period, quite changed from that venerable aſſembly, which we have ſeen overthrowing Pyrrhus and Hannibal, as much by their virtues as by their arms. They were now only to be diſtinguiſhed from the reſt of the people by their ſuperior luxuries, and ruled the Commonwealth by the weight of that authority, which is gained from riches, and a number of mercenary dependencies. All the venal and the baſe were attached to them from motives of ſelf intereſt; and they who ſtill

ventured

ventured to be independent, were borne down and entirely loſt in the *infamous majority*. In ſhort, the Empire, at this period, came under the government of an *hateful Ariſtocracy*; the tribunes, who were formerly accounted protectors of the people, becoming rich themſelves, and having no longer oppoſite intereſts from thoſe of the ſenate, concurred in their oppreſſions, ſince it was not now the ſtruggle between the Patricians and Plebeians, who only nominally differed, but between the rich and the poor. The lower orders of the State being by theſe means reduced to a degree of hopeleſs ſubjection, inſtead of looking after liberty, only ſought a leader; while the rich, with all the ſuſpicion of Tyrants, terrified at the ſlighteſt appearance of oppoſition, entruſted men with uncontroulable power, from whom they had no ſtrength to withdraw it when the danger was over."

Though the introduction of luxury from Aſia, preceded the ruin of Carthage in point of time, yet, as Salluſt informs us, the dread of that dangerous rival reſtrained the Romans within the bounds of decency and order. But as ſoon as ever that obſtacle was removed, they gave a full ſcope to their ungoverned paſſions. The change in their manners was not gradual, as before, but rapid and inſtantaneous. Religion, juſtice, modeſty, decency, all regard for divine or human laws, were ſwept away at once by the irreſiſtable torrent of corruption. The Patricians ſtrained the privileges annexed to their dignity, and the Plebeians their liberty, alike, into the moſt unbounded

bounded licentiouſneſs. Every man made the dictates of his own lawleſs will his only rule of action. Public virtue, and the love of their country, which had raiſed the Romans to the Empire of the Univerſe, were extinct. Money, which alone could enable them to gratify their darling luxury, was ſubſtituted in their place. Power, dominion, honours, and univerſal reſpect, were annexed to the poſſeſſion of money. Contempt, and whatever was moſt reproachful, was the bitter portion of poverty; and to be poor, grew to be the greateſt of all crimes in the eſtimation of the Romans. Thus wealth and poverty contributed alike to the ruin of the republic. The rich employed their wealth in the acquiſition of power, and their power in every kind of oppreſſion and rapine for the acquiſition of more wealth. The poor, now diſſolute and deſperate, were ready to engage in every ſeditious inſurrection, which promiſed them the plunder of the rich; and ſet up both their liberty and country to ſale to the beſt bidder. The State, which was the common prey to both, was rent in pieces between the contending parties.

When the Romans had beggared the Monarchs, whom they vouchſafed to ſtile their friends, and drained the provinces till they had ſcarce any thing left to plunder, the ſame principle which had induced them to pillage the univerſe, impelled them now to prey upon one another. Marius and Sylla were the firſt who ſet that fatal precedent, and were the firſt who bridled Rome with a ſtanding army. The civil power was compelled to give way to the milita-

ry, and from that period we may truly date the ruin of the Roman liberty. The civil war, the vaſt extent of the Republic, the want of that *amor patriæ*, the baſis of every popular Government, prepared the way for the eſtabliſhment of Monarchy. The State continued to fluctuate between Deſpotiſm and Anarchy, till it terminated irretrievably under the Cæſars, in the moſt abſolute, and moſt infernal tyranny, that any people were ever yet curſed with.

But this Empire, in its laſt period, was the ſcene where all the inordinate paſſions of mankind operated the moſt powerfully, and with the greateſt latitude. Corruption was arrived at its laſt ſtage, and the depravity was univerſal. The whole body of the unhappy ſtate was infected, and the diſtemper was utterly incurable. During that calamitous period, the Empire was, on every ſide, attacked by the blind fury of foreign invaders, and the wild ambition of domeſtic uſurpers. The Perſians, the Franks, the Alemanni, the Goths, the Vandals, and many other barbarous nations, ſpread deſtruction through the provinces, and terror as far as the gates of Rome. The reign of one Emperor only produced no leſs than nineteen pretenders to the throne. The field of victory was often the ſcene of the election of theſe uſurpers, of whom there was not one who enjoyed a life of peace, or a natural death. Their election, their power, and their death, were equally deſtructive to their ſubjects and adherents. The price of their fatal elevation was inſtantly diſcharged to the troops, by an immenſe donative, drawn from the bowels of the

the exhauſted people. And when they fell, they involved armies and provinces in their fall.

Whilſt the public forces of the State were thus diſſipated in private quarrels, the defenceleſs provinces lay expoſed to every invader. The braveſt uſurpers were compelled by the perplexity of their ſituation to conclude ignominious treaties with the common enemy, to purchaſe with oppreſſive tributes the neutrality or ſervices of the Barbarians, and to introduce hoſtile and independent nations into the heart of the Empire. Thus both foreign enemies and domeſtic tyrants contributed alike to diſmember the provinces, and reduce the Roman Monarchy to the loweſt pitch of diſgrace and ruin. In ſhort, this mighty Empire, owing to innovations in its ſyſtem of Government, to its vaſt extent, to luxury, avarice, venality, faction, pride, revenge, ſelfiſhneſs, a total diſregard to the public good, and an univerſal diſſoluteneſs of manners among all ranks of people, ſunk at laſt under the weight of the Gothic arms.†

Though

† Having had the pleaſure of viſiting Aſia Minor, Syria and Judæa, as well as Greece and Italy, the writer of theſe ſheets cannot avoid reflecting on the inſtability of all human affairs. The leſſer Aſia, as well as Syria and Paleſtine, once the moſt populous, fertile, delicious, and wealthy countries in the world, adorned with a vaſt number of cities, and the moſt elegant buildings, are all now ſo many deſarts, in compariſon of what they were formerly. The hilly country of Judæa, once ſo fertile and populous, is now almoſt deſolate; half the lands in the vallies lie uncultivated. Tyre, once the queen of commerce, that maintained her grandeur under all the four ancient Empires, and continued a wealthy commercial city till towards the cloſe of the 13th century, is now reduced to a confuſed heap of ſhattered remains of ancient magnificence. Her daughter Carthage, formerly the greateſt commercial and warlike Republic in the world, and Rome's moſt formidable rival, can ſcarcely be diſtinguiſhed by the ſmalleſt veſtige. The Greeks and Romans, once the greateſt and freeſt peo-

CONCLUSION.

Though there are a concurrence of ſeveral cauſes which bring on the ruin of a State, yet where luxury prevails, that parent of all our fantaſtic imaginary wants, ever craving and ever unſatisfied, we may juſtly aſſign it as the leading cauſe: ſince it ever was and ever will be the moſt baneful to public virtue. For as luxury is contagious from its very nature, it will gradually deſcend from the higheſt to the loweſt ranks, till it has ultimately infected a whole people. The evils ariſing from luxury have not been peculiar to this or that nation, but equally fatal to all whereever it was admitted. Political Philoſophy lays this down as a fundamental and inconteſtable maxim, that all the moſt flouriſhing States owed their ruin, ſooner or later, to the effects of luxury; and all hiſtory, from the origin of mankind, confirms this truth by the evidence of facts to the higheſt degree of demonſtration. In the greateſt deſpotic Monarchies it produced avarice, diſſipation, rapaciouſneſs, oppreſſion, perpetual factions among the Great, whilſt each endeavoured to engroſs the favour of the Prince wholly to himſelf; venality, and a contempt of all law and diſcipline both in the military and civil departments. Whilſt the people following the pernicious example, of their ſuperiors, contracted ſuch a daſtardly effeminacy, joined to an utter

ple in the world, and thoſe of Rome and Sparta the moſt proud and tyrannical, are now become the moſt contemptible and abject ſlaves that ever exiſted.

utter inability to support the fatigues of war, as quickly threw them into the hands of the first resolute invader. Thus the Assyrian Empire sunk under the arms of Cyrus with his poor but hardy Persians. The extensive and opulent Empire of Persia fell an easy conquest to Alexander the Great and a handful of Macedonians. The Macedonian Empire, when enervated by the luxury of Asia, was compelled to receive the yoke of the victorious Romans. The free States of Athens and Sparta, while governed by the wise institutions of Solon and Lycurgus, were powerful and invincible; but by the introduction of luxury—the inseperable concomitant of riches—they first fill a prey to the arms of Philip, and afterwards to the insatiable ambition of the insidious and dastardly Romans. And luxury, the source of all the corruptions, diforders, and factions, incident to civil Government, first made the mighty Empire of Rome fit for, and then compleated its destruction.

Should ambition, that thirst of conquest, for the sake of commerce, and those destructive and fruitless efforts to maintain that chimæra, the balance of power, continue to be the ruling passions of our Ministry; should the Septennial Act, and the absurd and inadequate representation of the people in Parliament, those sources of corruption, as well as innovations in our system of Government, still remain; and should luxury, avarice, and effeminacy, universally prevail amongst us—Such too will soon be the fate of Britain.

CHAP. VII.

SOME REMARKS ON THE GRECIAN, THE ROMAN, AND THE ANGLO-SAXON SYSTEMS OF GOVERNMENT; WITH A COMPARATIVE VIEW OF A LIMITED MONARCHY AND A POPULAR GOVERNMENT.

SECT. II.

OF the three principal forms of Government, the Monarchial, the Ariſtocratical, and the Democratical, the moſt celebrated writers have very juſtly given the preference to that ſyſtem which is compoſed of a mixture of Monarchy, Ariſtocracy, and Democracy, and in which thoſe three powers are ſo blended together, and tempered, that each may produce the good effects, and be reſtrained by the counterworkings of the other two, from producing the bad effects, that are natural to it. But how to fix that juſt proportion of each of the three powers in one ſyſtem, is a difficulty that hath perplexed the wiſeſt Politicians, and the moſt famous Legiſlators.

In

In the Government of the kings of the heroic times of Greece, the legiſlative, the executive, and the judiciary powers, were ill diſtributed. The people were poſſeſſed of the legiſlative authority; and the executive and judiciary powers were veſted in the Sovereign. Hence thoſe Monarchies could not long ſubſiſt. For as ſoon as the people got the legiſlative power into their hands, they might, as they every where did, upon the very leaſt caprice, ſubvert the regal authority.

It is the higheſt maſter piece of legiſlation to know how to place properly the judiciary power. But it could not be in worſe hands than in thoſe of the perſon to whom the executive power had been already committed. From that very inſtant the Monarch became terrible. But at the ſame time as he had no ſhare in the legiſlature, he could make no defence againſt it; thus his power was in one ſenſe too great, in another too little. They had not as yet diſcovered that the true function of a prince was to appoint judges, and not to ſit as judge himſelf. The oppoſite policy rendered the Government of a ſingle perſon inſupportable. Hence all thoſe Kings were baniſhed.

The Greeks and Romans had no idea of the proper diſtribution of the three powers in a Government, and much leſs of a legiſlative body compoſed of the repreſentatives of the people. Though there were three ſorts of power exerciſed, there were but two orders, or eſtates, eſtabliſhed in the Republics of Athens, Sparta, and Rome. The ſupreme pow-

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er was accordingly divided between the Senate and the collective, not the repreſentative body of the people. The want of a third eſtate in theſe Republics, and of a repreſentative body, to act for the collective body of the people, maintained one perpetual ferment, and was a principal cauſe of their declenſion and ruin.

It is a point of the laſt importance to fix the limits of power, and aſcertain the juriſdiction of the different branches of Government. They have, at times, produced diſmal effects even in Monarchies; but in a Republic, if the Conſtitution lean to either ſide, it will ſooner or later be impaired, the balance deſtroyed, the State involved in confuſion, and fall under a Tyrant in the iſſue; which was the fate of the Roman Empire. The power of the two Eſtates eſtabliſhed in that Commonwealth, the Patricians and the Plebeians, were in a manner blended together, their boundaries were not properly ſettled, nor the ſpheres in which theſe two great bodies, the Senate and the people, ſhould move, diſtinctly marked out.

If the Romans had annually elected, out of their tribes, a certain number of men to repreſent the people, inſtead of depending on their Tribunes, (a ſeditious Magiſtracy, and often a very corrupt one,) and if this repreſentative body had been one eſtate, and had acted as ſuch, the Conſuls might very well have ſupplied the place of a third eſtate, and have been ſafely truſted, even more independently of the Senate than they were, with the executive power. But the want of a third eſtate in the

the Roman ſyſtem of Government, and of a repreſentative body, to act for the collective body, maintained one perpetual ferment, which often increaſed into a ſtorm, but never ſubſided into a calm. When the Senate was inflexible, the people had immediate recourſe to ſedition. When the people was refractory, the Senate had recourſe to a Dictator. Sedition was temporary anarchy. A Dictator was a Tyrant for ſix months, unleſs he thought fit to abdicate ſooner. The Conſtitution was endangered and ſuſpended by both. It muſt have been ſubverted by the exceſſes of the one. It was deſtroyed by the bare duration of the other. That Dictatorial power, on which the Senate had always depended for preſerving it, completed the ruin of it, in the hands of Cæſar; aud that Tribunitical power, to which the people had always truſted the defence of their liberty, confirmed their ſlavery in the hands of Auguſtus.

In the ſo much celebrated Spartan Conſtitution, that ſoleciſm in politics, two ſupreme heads of one body, was undoubtedly a great defect. It was a ſource of perpetual diſſention between the Royal Families, and a principal cauſe of the declenſion and fall of the Republic.

In theſe Popular Governments of Greece and Rome, the whole legiſlative authority may be ſaid to have been lodged in the Senates. Thoſe aſſemblies had the power of propoſing all laws whatſoever, and the people of conſenting only; by which means the Senate had not only a negative upon the people,

but, what was of infinitely greater conſequence, their negative went before the votes of the people. Were the King's negative of the ſame nature in our Conſtitution, and could he prevent any bill from coming into Parliament; or were he, by the influence of his prerogative, to cruſh a diſagreeable bill while under debate, he would be an abſolute Monarch, and grievances would never be redreſſed. In order to maintain the prerogative of the Crown, and the rights of the people againſt the encroachments of the Peers and Commons, the Britiſh Sovereigns, by virtue of the Conſtitution, are only inveſted with the power of putting a negative on the reſolutions, not the debates, of both Houſes of Parliament.

In the compariſon between a republic and a limited Monarchy, the balance entirely inclines to the latter, ſince a real Republic never yet exiſted, except in ſpeculation; and that liberty which demagogues promiſe to their followers, is generally only ſought after for themſelves. The aim in general of popular leaders, is rather to depreſs the great than to exalt the humble: and in ſuch Governments, the lower ranks of people are too commonly the moſt abject ſlaves. In a popular Government, the number of tyrants are capable of ſupporting each other in their injuſtice; while in a Monarchy there is one object, who, if he perſiſt in attempting to ſubvert the Conſtitution, is eaſily caſhiered. Though our Kings are charged with the execution of the laws, yet they muſt direct their conduct, and bind them equally with

with their ſubjects: And that State, whoſe chief Magiſtrate is above the laws, cannot be called free.

As the authority of Monteſquieu muſt challenge the attention of all parties, I ſhall give his ſentiments of the principles and properties of a Republic, by which the reader will ſee the impropriety of eſtabliſhing that ſyſtem of Government either in France or America. That celebrated writer, deſcribing the diſtinctive properties of a Democratical Government, ſays, "It is natural to a Republic to have only a ſmall territory; otherwiſe it cannot long ſubſiſt. In a large Republic there are men of large fortunes, and conſequently of leſs moderation; there are truſts too great to be placed in any ſingle ſubject; he has intereſts of his own; he ſoon begins to think that he may be happy, great, and glorious, by oppreſſing his fellow citizens; and that he may raiſe himſelf to grandeur on the ruins of his country.

"In a large Republic, the public good is ſacrificed to a thouſand views; is is ſubordinate to exceptions; and depends on accidents. In a ſmall one, the intereſt of the Republic is eaſier perceived, better underſtood, and more within the reach of every citizen; abuſes have a leſs extent, and of courſe are leſs protected.

"The long duration of the Republic of Sparta, was owing to its having always continued in the ſame extent of territory after all its wars. The ſole aim of Sparta was liberty; and the ſole advantage of its liberty, glory."

The ſame author, explaining the principles of a Democracy, ſays, " There is no great ſhare of probity neceſſary to ſupport a Monarchical or Deſpotic Government. The force of laws in the one, and the arm of the Prince in the other, are ſufficient to direct and maintain the whole. But in a popular State, one ſpring more is neceſſary, namely virtue,"--- That *amor patriæ*, or political virtue, of which the majority of the rebel Parliament, in the reign of Charles the Firſt, were entirely deſtitute.

What I have here advanced, the ſame author obſerves, is confirmed by the unanimous teſtimony of hiſtorians, and is extremely agreeable to the nature of things. For it is clear that in a Monarchy, where he who commands the execution of the laws generally thinks himſelf above them, there is leſs need of virtue than in a popular Government, where the perſon intruſted with the execution of the laws, is ſenſible of his being ſubject himſelf to their direction.

It is alſo evident that a Monarch, who through bad counſel or indolence ceaſes to enforce the execution of the laws, may eaſily repair the evil; he has only to follow other advice; or to ſhake off this indolence. But when in a popular Government, there is a ſuſpenſion of the laws, as this can proceed only from the corruption of the Republic, the State is certainly undone.

He concludes his remarks on the principles of a Republic, by obſerving, " That it was a curious ſpectacle, in the laſt century, to behold the impotent efforts

efforts the Engliſh made for the eſtabliſhment of a Democracy. As thoſe who had a ſhare in the direction of public affairs were void of all virtue; as their ambition was inflamed by the ſucceſs of the moſt daring of their members;† as the ſpirit of faction was ſuppreſſed only by that of a ſucceeding faction, the Government was continually changing;† the people, amazed at ſo many revolutions, ſought every where for a Democracy without being able to find it. At length, after a ſeries of tumultuary motions and violent ſhocks, they were obliged to have recourſe to the very Government which they had ſo odiouſly proſcribed."

The defects, which I have preſumed to cenſure in the Grecian and Roman ſyſtems of Government, were avoided in ſome of thoſe that were eſtabliſhed on the breaking of the Roman Empire, by the Northern nations. The Government of the Germans, and that of all the Northern nations, who eſtabliſhed themſelves on the ruins of Rome, were, according to Tacitus, always extremely free.

It was to the Saxons, a German nation, diſtinguiſhed by their valour, their love of liberty, and their political inſtitutions, that the Engliſh are indebted for their Conſtitution, or mode of Government. The Anglo Saxons founded their ſyſtem of Government upon the principles of liberty, and the common rights and

† Oliver Cromwell.

The Government, which was a military deſpotiſm, aſſumed, in the ſpace of eleven years, no leſs than ten different forms.

and intereſts of mankind. They made the elective power of the people the firſt principle of their Conſtitution, and delegated that power, for the ſpace of one year only, to ſuch men as they had moſt reaſon to confide in.

The object upon which our elective power acts, is remarkably different from that of the Romans. Theirs was directed to operate in the elections of their chief officers, particularly the Conſuls; or thoſe who were veſted with the executive authority, whom they changed annually. But the Senate, where the principal power in their ſtate was lodged, was a more fixed body of men, and not ſubject to the elective power of the people.

The Anglo Saxons almoſt reverſed this principle; for they made their Wittenagemote, or Parliament, where their principal power was lodged, annually moveable, and entirely ſubject to the elective power of the people; and gave a more fixed ſtate to the executive authority. This laſt they confined within a certain ſphere of action, preſcribed by the laws; ſo that it could not operate to the injury of any individual, either in his perſon or property; and was controulable in all acts of ſtate by the elective power, which the people veſted annually in their Wittenagemote.

The annual exerciſe of elective power, under the Saxon Government, was the life and ſoul of their Conſtitution; and the baſis of the whole fabric of their Government, from the internal police of the mi-

nuteſt

nuteſt part of the country, to the adminiſtration of the Government of the whole Kingdom.

This Saxon inſtitution formed a complete model of Government; ſuch a perfect harmony ſubſiſted between the civil liberty of the people, the privileges of the Nobility, and the Prince's prerogative, that there never was in the world a Government ſo well tempered, while it laſted.

CHAP.

CHAP. VIII.

OF THE ANGLO-SAXON SYSTEM OF GOVERNMENT UNDER THE HEPTARCHY.

Of the different Orders of Men among the Saxons—Of the diviſion of the Land into Tithings, Hundreds, and Shires—Of the Government of theſe Diviſions—Of the Conſtituent parts of their Wittenagemotes, or Parliaments.

THE Saxons, who invaded Britain about the middle of the fifth century, may be divided into three ranks, or orders of men ;-the Thanes or Nobles, the Frilingi or Freeborn, and the Lazzi or ſlaves. The Thanes were of two kinds, the King's Thanes and Leſſer Thanes. The former conſiſted of the heads of families who had acquired allodial property; the latter of ſuch retainers as held land by a military tenure, either of the king, or of any other allodial proprietor. The Saxon Nobility aroſe from perſonal valour or wiſdom, was continued by blood, and ſometimes conferred by the prince, with the conſent of the Wittenagemot, or ſuch as held great offices about his perſon.

The freemen were employed in war and agriculture. The Slaves were of two kinds, the houſehold, prædial, or ruſtic; they were the property of their Lords, and were conſequently incapable, themſelves, of all property.

A fourth rank of men, that came to be diſtinguiſhed about this period, was that of the Clergy, who obtained a ſhare of temporal power in this kingdom, as they did in every country where they were admitted to preach the Goſpel, though without any authority from the Goſpel. Soon after the converſion of the Anglo-Saxons to Chriſtianty, the dignified Clergy, owing to the donations of lands made them by the Princes and Nobles, and to the temporary oblation from the devotion of the people, became poſſeſſed of great eſtates, and not only obtained a ſhare in the Legiſlature, but, ſoon after the Norman conqueſt, eſtabliſhed an independent power in the State.

The Saxons, as they enjoyed great liberty in their own country, imported into this iſland the ſame principles of independence, which they had inherited from their Anceſtors. After their chiefs had ſubdued a part of the Kingdom, they divided the lands into ſmall parts, which they called town and rural tithings. Theſe were governed upon the ſame principles; the internal policy of the whole country being veſted in the inhabitants of the reſpective tithings who annually elected the Magiſtrates that were to adminiſter juſtice to them, † agreeable to the laws

† At that period, law was not an intricate ſcience, and was more governed by mati

and cuſtoms they had brought with them from their native country.

The principal officer of each tithing was veſted with the executive authority of the tithing. They had likewiſe a legiſlative authority in every tithing, which made laws and regulations for the good government of the tithing, Beſides theſe, they had a court of law, whoſe juriſdiction was confined within the ſame limits. All which were created by the elective power of the people, who were reſident inhabitants of the tithings; and the right of election was placed in every man that paid his ſhot, and bore his lot.

After the elective power in the people at large had eſtabliſhed the executive and legiſlative authority in the tithing, for one year; and duly veſted the officers in their reſpective departments, it then ſtopped, and proceeded no farther than the tithings.

But the principal officer of each tithing had, afterwards, the whole care of the intereſt of the people of the tithing veſted in himſelf alone, in every matter that reſpected their connection with the higher orders of the State.

The firſt connection the tithings had with one another, was to form an eſtabliſhment for the military defence of the country. For this end, a number of theſe tithings were united together, and called a Wapentake or Weapontake, or hundred. Here likewiſe they eſtabliſhed a court of council, and a court of law, which laſt was called a Wapentake court,

maxims of equity, which ſeem obvious to common ſenſe, than by numerous and ſubtile principles, applied to a variety of caſes by profound reaſonings from analogy.

court. In the court of council, the chief Magiſtrates of every tithing aſſembled to elect the officers of the militia, and to regulate all matters relating to the militia, in which every individual tithing was concerned. The court of law was to enforce theſe regulations within that juriſdiction.

The laſt diviſion which the Anglo Saxons made in the land, was compoſed of a certain number of Wapentakes, or hundreds, united together; which they called a ſhire, or one complete ſhare or part. This diviſion completed their ſyſtem of internal police, by uniting all the tithings within the ſhire into one body, ſubject to ſuch laws and regulations as ſhould be made in their Shiregemots, or Shire Parliaments, for the benefit and good government of the Shire.

The members that compoſed the Shiregemot were ſtill the chief officers of the tithings, who always repreſented the tithings in every thing in which they were concerned. It was in this Shiregemot, where the great officers of the ſhire were elected to their office; who conſequently were elected by the immediate repreſentatives of the people, but not by the people at large. This ſeems to agree with what Hiſtorians obſerve, that the great officers of the Shires were elected by their Peers—that is, by men who were members of the Wittenagemot; and conſequently peers or equals, at that day, to any men in England.

As this diviſion comprehended many tithings, and many people, it had the greateſt court of council in

England, except the high court of Parliament; and the chief officer was veſted with as high a juriſdiction in the ſhire, as the King in the kingdom. He was veſted with the executive authority, and was commander in chief of all the militia; in ſhort, he was the ſame in the ſhire, as the King was in the kingdom. They had likewiſe a court of law, called the Shire-court; to which every man might appeal, who thought himſelf injured by the deciſions of the inferior courts in the ſhire.

Thus each ſhire may be conſidered as a complete government, furniſhed with both a civil, and a military power, within its own juriſdiction. The expence, attending each government of a ſhire, was merely local, and confined to the ſhire; which was ſupported by taxes charged upon the people by the Shiregemot, with the aſſiſtance of certain lands appropriated to that purpoſe; which was a clear and diſtinct thing from a national expence, and never brought to the national account at all. It is the ſame at this day, though conducted in a different manner, for the internal government is no expence to the State, and is founded upon this equitable principle, that whatever expence concerns only a part, ought to be paid by that part only; but what concerns the whole community ought to be paid by the whole community.

After the ſeven Saxon tribes, who invaded Britain, had conquered a part of the country, upon which they ſettled their immediate followers, and thus eſtabliſhed its internal police, they aſſumed the

title

title of King, and named the conquered land a kingdom. As each of the ſeven kingdoms contained a certain number of ſhires, a deputy from every tithing within the ſhires, together with the Thanes, the Biſhops and Abbots, compoſed the Parliament of the little kingdom to which they belonged. The great Thanes, the dignified Clergy, and the immediate deputies of the people, who were always the principal officers of the tithings for the time, having met together in order to attend to their reſpective intereſts, a majority of voices bound the whole, and determined for any meaſure, that was ſuppoſed to operate for the good of the whole combined body. This meeting was called by the Saxons the Wittenagemot, or an aſſembly of the wiſe-men of the nation; which compoſed their nationa council and legiſlative authority. This agrees with what Saint Ammon ſays, in his eſſay on the legiſlative authority of England, that the judges, or chief officers of the tithing, repreſented the tithings in the Saxon Wittenagemote, or Parliament.

CHAP. IX.

ON THE GOVERNMENT UNDER ALFRED THE GREAT, THE FOUNDER OF THE ENGLISH MONARCHY.

SECT. II.

Of the Union of the Seven Kingdoms—Of the Eſtabliſhment of one Great National Council, or Parliament—Of Alfred's Laws, the Baſis of Engliſh Juriſprudence—Of the Origin of the Engiſh Juries—Of the Internal Police of the Kingdom—Of Alfred's Martial Atchievemants—Of the Conſtituent Parts of the National Council—Of the Executive Power—Of the Revenue of the Crown—Of the Authority of the Parliament.

THE Anglo Saxons had no ſooner eſtabliſhed their Heptarchy, than they began to quarrel among themſelves, each of the ſeven Kings aſpired to the ſovereignty of the whole nation. This conteſt was carried on, with various ſucceſs, for a number of years, till at laſt the ſeven kingdoms became happily and finally united into one, under Alfred the Great; a prince of the moſt exalted merit that ever graced the Engliſh throne.

After

After the union of the ſeven kingdoms, a reduction of members to ſerve in Parliament became abſolutely neceſſary. Becauſe it was then impracticable, by reaſon of their numbers, for the ſame members to attend in one Parliament, that uſed to attend in ſeven, without ſuch anarchy and confuſion as muſt counteract the very end of their meeting. Alfred accordingly excluded from the great national council all the repreſentatives of the rural tithings, as being a body of men the moſt numerous of any conſidered collectively, and yet elected by the feweſt people in proportion; which muſt be very evident, ſince the rural part of the kingdom muſt, of courſe, be more thinly inhabited than the town. In place of the repreſentatives of the rural tithings, he conſtituted ſhire-elections for two members to repreſent the ſhire in the national council: Hence the origin of our Knights of the ſhire.

The alteration that was made with reſpect to the towns, or free-burghs, was, that all boroughs, or town tithings, that uſed to ſend one member to the little Parliament, to which they belonged under the Heptarchy, ſhould, for the future, ſend two to the great Parliament of England.

Thus the ſeven kingdoms of the Heptarchy became finally united under one King, or chief Magiſtrate, and one Parliament. Alfred appointed regular meetings of this aſſembly twice a year in London; a city which he repaired and adorned, and which he rendered the capital of the kingdom. He

eſtabliſhed

eſtabliſhed ſeveral wiſe inſtitutions for the execution of juſtice; and gave great encouragement to arts and ſciences. The better to guide the magiſtrates in the adminiſtration of juſtice, Alfred formed a body of laws, which, though now loſt, ſerved long as the baſis of Engliſh jurisprudence, and is generally eſteemed the origin of what is denominated the common law. To aſſiſt the judges in the determination of all cauſes, he ordered twelve freeholders to be choſen; who, after having ſworn, together with the preſiding magiſtrate of the hundred or ſhire, to adminiſter impartial juſtice, proceeded to the examination of that cauſe, which was ſubmitted to their juriſdiction. Such is the origin of the Engliſh juries; an inſtitution, admirable in itſelf, and the beſt calculated for the preſervation of liberty, and the adminiſtration of juſtice, that ever was deviſed by the wiſdom of man.

Alfred, whoſe character is ſo completely amiable and heroic, that he is juſtly dignified with the epithat of the Great, though he fought no leſs than fifty ſeven pitched battles with the Danes, was not only a great ſcholar, but an eminent author. He compoſed more books than moſt ſtudious men, though bleſſed with the greateſt leiſure and application, have, in more fortunate ages, made the object of their uninterrupted induſtry. He invited numbers of learned men into his kingdom; he eſtabliſhed ſchools every where for the inſtruction of his people; and gave preferment both in church and State to ſuch only as had made ſome proficiency in knowledge.

He

He chose the judges and Sheriffs from among the men most celebrated for probity and knowledge; and punished severely all malversation in office. Robberies and iniquities of all kinds were repressed by the punishment or reformation of the criminals: And so excellent was the general police of the country, that it hath had the encomiums of most authors of our history, who observe that, in the reign of Alfred, it was in so great perfection, that, if a golden bracelet had been exposed upon the high road, no man durst have touched it. Yet amidst these rigours of justice, this great Prince preserved the most sacred regard to the liberty of his people; and it is a memorable sentiment preserved in his will, "That it was just the English should for ever remain as free as their own thoughts."

I shall conclude this part of my subject, by drawing the outlines of the English Constitution as new-modelled, and finally established by Alfred the Great.

It was composed of a due mixture of Monarchy, Aristocracy, and Democracy, vested in their Representatives, the Sovereign, the dignified Clergy, the Barons of the realm, and the Knights of the shires and the Representatives of the Boroughs, annually elected by the rural inhabitants of the shires, and by the resident inhabitants of the towns, who paid their shot, and bore their lot. To this great council the the supreme legislative authority belonged. The Crown was elective, and continued to be elective till the Norman conquest, when birth, instead of merit,

became, for the ſake of order and tranquility, a title to the throne*.

Of the prerogatives of the crown.

The executive power was veſted in the Sovereign; whoſe dignity and office, though higher in degree, was perfectly ſimilar to thoſe of the chief Magiſtrates of the ſhires and tithings: he poſſeſſed nearly the ſame powers over the whole Kingdom, which thoſe inferior officers enjoyed in their own particular diſtricts.

The King commanded the forces in the time of battle, and conducted and ſuperintended the whole of the military operations of the Kingdom. He had the charge of enforcing the decrees and regulations of the Wittenagemot; and of maintaining the police of the country, and the ſecurity of its inhabitants. He was veſted with the excluſive privilege of convoking and proroguing that aſſembly, and of preſiding in all its deliberations. The influence which the Sovereign thence obtained, with regard to its determinations, was, no doubt, conſiderable. Another ſource of his influence aroſe from having the nomination

‡ The Saxon Kings enjoyed the crown during their natural lives; and after their death, their ſucceſſor was elected to his office by the Parliament. However, they generally gave the preference to one of the ſame family, who was capable of executing his office in perſon.

ation of the five great officers of his houſehold, and of ſeveral inferior officers in Church and State.

The firſt of theſe officers was the Steward, or Major Domo, who had the care of the King's table. The ſecond was the Cup-Bearer, or butler, to whom the care of the liquors was entruſted. The third was the Chamberlain, whoſe buſineſs it was to ſuperintend the lodging of his Maſter's family. The fourth was denominated the Comes Stabuli, or Conſtable, who had the inſpection of the King's ſtable. The fifth was the Secretary, who wrote his Majeſty's letters, and executed the charters, or other deeds, that iſſued from the Crown. This officer became keeper of the records of the King's court; from this branch of his duty, he got the appellation of Chancellor. Theſe officers became, in courſe of time, his miniſters for conducting the buſineſs of the nation; and being poſſeſſed of great property, had conſiderable influence upon the government of the kingdom.

The public revenue of the Crown, by which the rank of the Sovereign was maintained, and out of which the various expences of the Government were defrayed, chiefly conſiſted of three branches; the original demeſnes of the King, acquired in the ſame manner with the private eſtate of each allodial proprietor; the tolls and impoſts levied on the boroughs and ſea-ports that lay within his demenſes; and the various forfeitures and fines, whether of land or of moveables, which, from time to time, accrued, or were trans-

mitted to him as the head of the community.* From this latter ſource he derived a continual accumulation of wealth.

Of the Authority of the Wittenagemot.

The Wittenagemot poſſeſſed a ſimilar authority over the whole kingdom, to that of any Tithing, Wapentake, and Shire, over its own ſubordinate diviſion.

In this aſſembly the ſupreme legiſlative authority reſided. It had the power of enacting, repealing, and altering laws; and of impoſing taxes. It exerciſed the authority of providing for the defence of the Kingdom, and of determining the public military operations. It poſſeſſed the important privileges of declaring war and making peace. It was inveſted with the power of directing and controlling the exerciſe of the royal prerogative: And, in extraordinary caſes, it exerciſed the privilege of calling the Sovereign to account for the abuſes of his adminiſtration.† It had the power of alienating the demeſnes

† The trouble and expence of defending the State lay equally upon all the land. Every freeman was provided with arms, and obliged to take his turn in military duty. It was uſual for every five hides of land to equip a man for the ſervice. There were computed to be 243,000 hides in England; conſequently the ordinary military force of the kingdom conſiſted of 48,720 men, though, no doubt, on extraordinary occaſions, a greater might be aſſembled. ‡

§ Segebert, King of the Weſtern Saxons, owing to his tyrannical behaviour, and to the contempt with which he treated the remonſtrances of his ſubjects,

meſnes of the Crown, which was not entirely conſidered as the private eſtate of the King, but in ſome meaſure as the property of the public. In this aſſembly, the coinage was regulated; all eccleſiaſtical laws were made; the King's nomination of Biſhops and other dignified Clergy was confirmed; and their number, as well as the extent of their livings, were regulated. Laſtly, appeals from the Courts of inferior judicatories were finally determined in this great council; which was annually elected, and regularly held twice a year, in ſpring and autumn.

Thus have I endeavoured to give the hiſtory of the ſyſtem of Government introduced into this kingdom, by our Saxon Anceſtors, about the middle of the fifth century, to the union of the ſeven kingdoms into one; when the Engliſh Conſtitution and Monarchy became finally eſtabliſhed as a great nation. From this imperfect ſketch it evidently appears, that the Anglo Saxon mode of Government was founded upon the principles of liberty, and the common rights and intereſts of mankind, in the conſtant annual exerciſe of their elective power; and was upheld and carried on by a gradation of popular aſſemblies, from the inferior courts to the high court of Parliament: that the people were parties to the making and to the executing all the general laws of the kingdom; and that no Magiſtrate, either civil or military, could exerciſe juriſdiction or authority over them, without their conſent or election.

This

was, by a general aſſembly, expelled the kingdom, and another Prince of the Royal blood was elected in his place.

This excellent ſyſtem of Government continued to grow and flouriſh in this iſland, for the ſpace of almoſt ſix hundred years; till it was deſtroyed by a combination of the Clergy with William the Firſt, commonly called the Conqueror, and lay buried under a load of tyranny for one hundred and forty ſeven years: when, in the reign of Henry the Third, by the aſſiſtance of many concurrent cauſes, but principally by the bravery of the Engliſh people, under the conduct and intrepidity of their ancient and immortal Barons, it was, in part, once more reſtored to this iſle, and, though much impaired, it hath ſtood the admiration of many ages; and ſtill remains the moſt noble and ancient monument of Gothic antiquity.

CHAP.

CHAP X.

THE MEANS BY WHICH THE CLERGY ESTABLISHED THEIR SYSTEM OF RELIGIOUS TYRANNY.

As the Pope and the Clergy were, at this period, poſſeſſed of ſo conſiderable a ſhare both of the legiſlative authority, and the adminiſtration of the goverment of almoſt every kingdom in Europe, it will be proper to give ſome account how they obtained it.

After the Chriſtian religion was taken under the protection of the Roman Government, and after the practice of making donations to the Church, for pious uſes, had become prevalent, the dignified clergy, both ſecular and regular, were enabled to acquire great landed eſtates. Theſe, upon the ſettlement of the Gothic nations in the Weſtern part of Europe, were gradually reduced under the ſame feudal policy that obtained in the landed property of the Lay Barons; and a great proportion of the lands of every Biſhop, or Abbot, was commonly deſtribut-

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ed among his villains or vaſſals; over whom he exerciſed the juriſdiction and authority of a temporal Lord or ſuperior. Thus the Biſhop came to be inveſted with a civil as well as an eccleſiaſtical juriſdiction; the one extending to the people who lived upon his own eſtate, the other to all the inhabitants of his dioceſe.

The peculiar functions and character of a clergyman required a peculiar delicacy, it was pretended, in judging of his conduct, which could not with propriety fall under the cognizance of the civil magiſtrate, and of which the clergy themſelves were the only competent judges. In the progreſs of church power, this exemption from the jurisdiction of temporal courts was gradually eſtabliſhed throughout the greater part of Chriſtendom. The exemption of the clergy from the juriſdiction of the civil magiſtrate rendered the Church, in reality, independent of the State, ſince, whatever regulations were enacted by the Legiſlature of any country, they might, with impunity, be diſregarded by churchmen, who could not be puniſhed for the violation of any law, unleſs they thought proper to enforce it by their own courts.

In England, this encroachment upon the province of the civil magiſtrate was poſterior to the Norman conqueſt; but, in the latter part of the Anglo-Saxon Government, the Clergy laid the foundation for ſuch a claim, by aſſuming a privilege of aſſiſting the ordinary magiſtrates in the determination of ſuch cauſes, and of levying the tithes, that enormous and oppreſſive

preſſive impoſition ;† and were poſſeſſed of ſuch power and influence, as enabled them not only to controul the adminiſtration of Government, but to diſpoſe of the Crown.

Immediately after the Norman conqueſt, the Clergy made ſtill farther encroachments upon the province of the temporal courts ; and at laſt eſtabliſhed a ſyſtem of eccleſiaſtial deſpotiſm in the State. They acquired an excluſive juriſdiction with regard to teſtamentary bequeſts ; and took cognizance of every breach of the duties of marriage, as well as of every queſtion with relation to its validity.

As the Clergy, on account of their piety and learning, were uſually conſulted upon the making of teſtaments, and became the common witneſſes to thoſe deeds, they availed themſelves of that ſituation for increaſing their revenue. Few perſons ventured to to take a near proſpect of a future ſtate, without making conſiderable donations for pious uſes ; and the effect of inculcating the ſame doctrine, was at length rendered ſo univerſal that, in many countries of Europe, a great proportion of every perſonal eſtate was, without any teſtament, and in virtue of a tacit or preſumed will of the proprietor, transferred, by the ordinary courſe of ſucceſſion, to the Church.

Not contented with the Roman law, which was at

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† They pretended to draw the tenth of all induſtry, merchandize, wages of labour, and pay of ſoldiers; nay, ſome canoniſts went ſo far as to affirm, that the clergy were entitled to the tythe of the profits made by the courtezans in in the exerciſe of their profeſſion.

firſt adpoted in eccleſiaſtical courts, and by which marriage was prohibited between collateral relations in the ſecond degree, the Clergy prohibited the union of more diſtant relations; inſomuch that marriage between perſons of the fourteenth degree was declared illegal. Theſe regulations being intended merely for the purpoſe of levying contributions from the people, the Church readily diſpenſed with the law to all thoſe who were able to pay for it.

By this juriſdiction with relation to teſtaments and marriage, the Church not only acquired immenſe treaſure, but decided the moſt important queſtions concerning the tranſmiſſion of property; and poſſeſſed the ſole power of determining the legitimacy of children, upon which depended their capacity of inheritance, and of giving authority to the nomination of every perſon who ſucceeded to an eſtate by the will of the proprietor.

In order to render the Clergy independent in the exerciſe of their juriſdiction, and ſubordinate only to the Roman Pontiff, Papal legates were appointed to hear and determine eccleſiaſtical cauſes. Theſe appointments ſoon opened the way for a direct appeal from the Engliſh Church courts to that of Rome; which was firſt attempted in the reign of William Rufus, and finally accompliſhed in that of King Stephen.

But the great circumſtance which contributed to eſtabliſh the independent power of the Church, was the privilege of beſtowing eccleſiaſtical preferments. After a diſpute which laſted for more than a century

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and a half, and in which millions of lives were deſtroyed in Italy and Germany, the Roman Pontiff not only rejected with diſdain the prerogative which the German Emperors had for ſome time exerciſed, of confirming the election of the Popes; but prohibited them from interfering in the election of Biſhops and Abbots; and aſſumed the excluſive privilege of beſtowing the higher Church livings.

In England the right of the Sovereign to confer eccleſiaſtical benifices, was firſt diſputed in the reign of Henry the Firſt, when Anſelm the Archbiſhop of Canterbury, refuſed to conſecrate the Biſhops nominated by the Crown. The controverſy was continued under ſeveral of the ſucceeding Princes; but no blood was ſpilt in the quarrel, farther than by the aſſaſſination of Becket. When King John had been weakened by an unſucceſsful war, and had incurred the contempt and reſentment of his ſubjects, the Pope laid hold of that opportunity to invade his prerogative; and by thundering out againſt him the different orders and degrees of eccleſiaſtical cenſures, at the ſame time that he had the addreſs to employ the ſecular arm of France to ſupport his authority, he at length obliged the infatuated Engliſh Monarch not only to relinquiſh all claims to the right of inveſtitures, but even to reſign his kingdom to the Church, and to hold it for the future as a feudatory of the Holy See.

Having thus acquired the power of appointing all the dignified Clergy, together with all that influence

and revenue which could be obtained, either directly or indirectly, from the diſpoſal of every eccleſiaſtical preferment, the Roman Pontiff poſſeſſed a very conſiderable ſhare in the adminiſtration of every government in Europe.

CHAP. XI.

OF THE DESTRUCTION OF THE ANGLO-SAXON SYSTEM OF GOVERNMENT BY A COMBINATION OF THE CLERGY WITH WILLIAM THE BASTARD, DUKE OF NORMANDY.

Of the election of Harold—Of the Pope's declaration in favour of William—His Invaſion of England—Battle of Haſtings—Death of Harold—Treachery of the Clergy—Submiſſion of the Engliſh—Settlement of the Government. Rigours of the Norman Government—its conſequences—Introduction of the feudal law—Of the conſtituent parts of the great Council of the Nation—Of the abſolute power aſſumed and exerciſed by William—Of the Judicial Authority—Of the immenſe Revenue of the Crown—Of the oppreſſive Tenures of the Feudal Syſtem.

AFTER the death of Edward the Confeſſor, the laſt Prince of the Saxon line, who ruled in England, and who was properly an uſurper, having ſeized the Crown

to the prejudice of his elder brother's ſon,) there were two candidates for the Crown of England. The one was Harold, a nobleman of great power, of mature age, of long experience, of approved courage and ability; and being a native of the Kingdom, it was expected, he would effectually ſecure it againſt the dominion and tyranny of foreigners‡. The other was William, natural ſon of Robert, Duke of Normandy, by Harlotta, a daughter of a tanner in Falaiſe; he was kinſman to Edward, and a very warlike and powerful Prince.

Though the Clergy intended the Crown for William, and had endeavoured to perſuade Edward to adopt him as his ſucceſſor, they could not prevent the election of Harold. The citizens of London were his zealous partizans: All the moſt powerful nobility, connected with him by alliance or friendſhip, willingly ſeconded his pretenſions: The whole nation ſeemed joyfully to ſwear allegiance to him: And the Clergy thought it prudent to adopt his cauſe. The Pope and William, finding themſelves fruſtrated, in all their previous intrigues and ſecret cabals, in obtaining the Crown of England for the latter, were reſolved to attempt it by open force.

As the Roman Pontiff had, prior to this period, aſſumed the office of mediator, or even an arbiter, in the

‡ During the reign of the Confeſſor, who had been educated in Normandy, the See of Canterbury, as well as many of the higher church livings, were poſſeſſed by the Normans; and Edward was entirely governed by the power and influence of the Clergy.

the quarrels of the greateſt Monarchs, and had obtruded his dictates as ſovereign laws on his obſequious diſciples, it was a ſufficient motive to Alexander the Second, the reigning Pope, for embracing William's quarrel, that he had made an appeal to his tribunal, and rendered him umpire of the diſpute between him and Harold. But there were other advantages, which that Pontiff foreſaw muſt reſult from the conqueſt of England by the Norman arms. That kingdom, though at firſt converted by Romiſh miſſionaries, and though it had afterwards advanced ſome farther ſteps towards ſubjection under Rome, ſtill maintained a great independence in its eccleſiaſtical adminiſtration; and had hitherto proved inacceſſible to thoſe exorbitant claims, which ſuppported the grandeur of the papacy. Alexander, therefore, hoped, that the French and Normans, if ſucceſsful in their enterpriſe, might import into that country a more devoted reverence to the holy ſee, and bring the Engliſh Churches to a nearer conformity with thoſe of the reſt of Europe. He, therefore, declared immediately in favour of William's claim; pronounced Harold an uſurper; denounced excommunication againſt him and his adherents; and the more to encourage the Duke of Normandy in his enterpriſe, he ſent him a conſecrated banner, and a ring with one of St Peter's hairs in it. Thus were all the ambition and violence of that invaſion ſafely covered over with the broad mantle of religion.

The Duke, on his part, offering the lands of England as a prize to be fought for, and to be divided amongſt

amongſt all thoſe that ſhould aſſiſt him in the conqueſt, the flower of the military force in Europe crowded to his ſtandard. And the Emperor, Henry the Fourth, not only permitted all his vaſſals to embark in the expedition, but promiſed his protection to the Dutchy of Normandy during the abſence of the Prince.

Having aſſembled a fleet of 3000 veſſels, great and ſmall, and an army of 60,000 men, William invaded England; and, on the fourteenth of October 1066, was fought the ever memorable battle of Haſtings, in which the Engliſh army was defeated, and Harold killed. This great battle, which laſted from morning till ſun-ſet, ſeemed worthy, by the heroic feats of valour diſplayed by both armies, and by both commanders, to decide the fate of a mighty kingdom.†

The two potent Earls, Edwin and Morcar, who had diſtinguiſhed themſelves all that day in battle, retired in the night, with the remains of the broken army, to London, proclaimed Edgar, the only heir of the Saxon line, King, and endeavoured to put the people in a poſture of defence, and encourage them to reſiſt the Normans. Hiſtorians obſerve, that, in all probability, they would have ſucceeded, if the treacherous behaviour of the Clergy

† William had three horſes killed under him, and there fell about fifteen thouſand men on the ſide of the Normans: The loſs was ſtill more conſiderable on that of the Engliſh; beſides the death of the King and his two valiant brothers.

gy in London, had not broken all their meaſures, by ſecretly caballing among the people.

In order to inſpire the troops and citizens with activity and courage, theſe brave officers put them in mind how they had defended their country, inch by inch, againſt the Danes, for a great many years, and had at laſt expelled them out of the kingdom; and that there was no doubt but the Duke of Normandy ſhould ſoon find, to his coſt, that the gaining of a ſingle battle was not ſufficient to render him maſter of the kingdom, The Clergy, whoſe influence was great over the people, ſenſible that this was the critical moment, declared in favour of William; and as moſt of the Biſhops and dignified Clergy were even then Frenchmen or Normans, the Pope's bull, by which his enterpriſe was avowed and conſecrated, was now openly inſiſted on as a reaſon for general ſubmiſſion. Edwin and Morcar, ſeeing every propoſal over-ruled, and deſpairing of making effectual reſiſtance, retired into the North to take their own meaſures.

Immediately after the departure of theſe Noblemen, many of the Barons, the Archbiſhops of Canterbury and York, the Biſhop of Wincheſter, all the Clergy about London, and ſome ſay Edgar himſelf, by their perſuaſion, went to the Duke at Berkhamſtead, and there ſwore fealty to him, as if he had been already their lawful Sovereign. Thus were the lives, liberty, and property of the people of England, ſurrendered into the hands of the Normans, by the baneful influence of the Clergy. For the

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city of London, following the example of the Clergy, ſurrendered; and afterwards the whole kingdom, without any further reſiſtance.

William began his reign by ſeizing the treaſures of Harold, which were conſiderable; and by confiſcating the eſtates of that Prince, and of all thoſe who had fought on his ſide in the battle of Haſtings. He diſtributed great ſums among his troops; and the eccleſiaſtics, both at home and abroad, to whom he owed, in a great meaſure, his crown and kingdom, were liberally rewarded. He beſtowed the forfeited eſtates on the moſt powerful of his Captains; and took care to place all real power in the hands of his Normans. He diſarmed the city of London, and other places, which appeared moſt warlike and populous; and building fortreſſes and citadels in that capital, as well as in Wincheſter, Hereford, and the cities beſt ſituated for commanding the kingdom, he quartered Norman ſoldiers in all of them, and left no where any power able to reſiſt or oppoſe him.

Having thus puniſhed thoſe whom he conſidered as his enemies, rewarded his adherents, and provided for the defence of his crown and kingdom, William openly declared the tyrannical principles upon which he intended to govern his Engliſh ſubjects, by impoſing, without the conſent of Parliament, a general tax on the people, that of Danegelt, which had been aboliſhed by the Confeſſor, and which had always been extremely odious to the people.

Always rapacious of money, as the great inſtrument for ſupporting his authority, William plunder-

ed the monaſteries; and jealous of the power and influence of the Engliſh Clergy, he expelled them from all the conſiderable dignities, and advanced foreigners in their place.†

William's Government was ſo ſevere and tyrannical, that his ſon and brothers, and ſeveral of his Anglo Norman Barons, as well as many of his Engliſh ſubjects, frequently rebelled againſt him. Theſe inſurrections involved the bulk of the landed proprietors, more or leſs, in the guilt of treaſon, and this Prince took advantage of executing againſt them, with the utmoſt rigour, the laws of forfeiture and attainder. Their eſtates were confiſcated, and either annexed to the royal demeſnes, or conferred on the Norman Barons, who had remained faithful to him, and other foreigners.

In this reign, it was crime ſufficient in an Engliſhman to be opulent, noble and powerful; and the policy of the Sovereign, concurring with the rapacity of foreign adventurers, produced almoſt a total revolution in the landed property of the kingdom. Ancient and honourable families were reduced to beggary; the nobles themſelves were every where treated with ignominy and contempt; they had the mortification of ſeeing their caſtles and manors poſſeſſed by foreigners of the meaneſt birth and loweſt

† The Archbiſhop of York, who had ſet the Crown on William's head, had died a little before this general proſcription, of ſorrow and vexation, and left his malediction to that prince, on account of the breach of his coronation oath, and of the extreme tyranny with which he ſaw he was determined to treat his Engliſh ſubjects.

ſtations, and they found themſelves carefully excluded from every road, which led either to riches or preferment.

As power naturally follows property, this revolution alone gave great ſecurity to the foreigners, but the King, by the introduction of the feudal law—a ſyſtem of military deſpotiſm—took alſo care to retain for ever the authority in thoſe hands which had enabled him to ſubdue the kingdom. He divided all the lands of England, beſide the royal demeſnes, into baronies; and he conferred theſe, with the reſervation of ſtated ſervices and payments, on the moſt conſiderable of his adventurers. Theſe great Barons, who held immediately of the Crown, ſhared out a great part of their lands to other foreigners, who were denominated Knights or Vaſſals, and who paid their Lord the ſame duty in peace and war, which he himſelf owed to his Sovereign. The whole kingdom contained about 700 chief tenants, and 60,215 knights fees; and as none of the native Engliſh were admitted into the firſt rank, the few, who retained their landed property, were glad to be received into the ſecond, and, under the protection of ſome powerful Norman, to load themſelves and their poſterity with this grievous burden, for eſtates which they had received free from their anceſtors.

The better to unite the parts of the Government, and to bind them into one ſyſtem, which might ſerve both for defence againſt foreigners, and for the ſupport of domeſtic tranquillity, William reduced the eccleſiaſtical revenues under the ſame feudal law;

and though he had courted the Church on his firſt invaſion and acceſſion, he now ſubjected it to burdens which the Clergy regarded as a grivous ſlavery, and as totally unbefitting their profeſſion. The Biſhops and Abbots were obliged, when required, to furniſh to the King, during war, a number of knights or military tenants, proportioned to the extent of property poſſeſſed by each See or Abbey; and they were liable in caſe of failure to the ſame penalties which were exacted from the laity.

Having thus rendered the dignified Clergy, as well as the great Nobles, ſubordinate to the Crown, and united the whole kingdom in one extenſive barony, of which the Sovereign became the ſuperior, and in ſome meaſure the ultimate proprietor, and entirely completed and finally eſtabliſhed the feudal ſyſtem, William placed the legiſlative power in himſelf and the great Council of the nation, or what was afterwards called the Parliament.

The Sovereign, the great Barons, the Archbiſhops, Biſhops, and moſt conſiderable Abbots, were conſtituent members of this council. The dignified Clergy ſat by a double title; by preſcription, as having always poſſeſſed that privilege through the whole Saxon period, from the firſt eſtabliſhment of Chriſtianity; and by their right of baronage, as holding of the King *in capite* by military ſervice.

The great Barons were the moſt honourable members of the State, and had a right to be conſulted in all public deliberations: They were the immediate

vaſſas

vaſſals of the Crown, and owed as a ſervice their attendance in the court of their ſupreme Lord.

The dignity of Earl or Count was official and territorial as well as hereditary; and as all the Earls were alſo Barons, they were conſidered as military vaſſals of the Crown, were admitted in that capacity into the general council, and formed the moſt honourable and powerful branch of it. All the immediate military vaſſals of the Crown amounted not fully to 700, when Doomſday's book was framed, in the latter part of William's reign; and as the the members were well pleaſed, on any pretext, to excuſe themſelves from attendance, the aſſembly was never likely on any occaſion to become too numerous for the diſpatch of public buſineſs.

The executive power was exerciſed by the Sovereign; and the Crown was rendered hereditary in the houſe of Normandy. The King, by virtue of his executive authority, had the power of calling Parliaments, and of putting a negative on their deliberations. He likewiſe, upon ſome occaſions, exerciſed the important privilege of impoſing taxes. But, in that age few taxes were impoſed upon the nation; the chief ſupport of the Crown was derived from a revenue independent of the people. As the great feudal ſuperior of the kingdom, William aſſumed the power of declaring war and making peace, which was from this time regarded as a branch of the royal prerogative. In the Anglo Saxon Government, the power of making peace and war was invariably poſſeſſed by the Wittenagemot; and was regarded

regarded as inſeperable from the allodial condition of its members. But in the Norman Government, it was aſſumed by the Sovereign: And this branch of the feudal ſyſtem, which was accomodated to the depredations and commotions prevalent in that rude period, has remained in after ages, when, from a total change of manners, the circumſtances, by which it was recommended, have no longer any exiſtence. The King could at his pleaſure command the attendance of his Barons and their vaſſals, in which conſiſted the military force of the kingdom; and could employ them, during forty days, either in reſiſting a foreign enemy, or reducing the rebellious ſubjects. And what was of great importance, the whole judicial power was ultimately in his hands, and was exerciſed by officers and miniſters of his appointment.

Thus William deſtroyed all the elective power of the people, and entirely reverſed the Anglo-Saxon mode of Government. He created all the nobility in the realm: he appointed the Archbiſhops and Biſhops: he nominated all the officers, both civil and military, that were to preſide over the people.

He exerciſed the power of making peace and of declaring war; as well as of impoſing taxes by his own authority; and his edicts, iſſued with the conſent of his privy council, had the full force of law. He preſided in the national council, which was wholly compoſed of his vaſſals, and of courſe over-ruled all their determinations. In fine, it may be juſtly ſaid, that William united in his own perſon the executive, the legiſlative and the judiciary powers.

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The judicial authority was lodged in the privy council, or *Curia Regis*, where the Sovereign presided, and in his abſence the Lord High Steward who was the firſt magiſtrate in the State, and on whom depended all the civil affairs of the kingdom. As the members of this court, which was, in after times known by the name of the Star Chamber, were created and removed at pleaſure by the King, ſo the deciſions, whenever he choſe to interfere, depended entirely upon his will. The juriſdiction of the Baron, the Hundred, and the County courts, was reſtricted to matters of ſmall value; and the greater part of cauſes, civil and criminal, as well as fiſcal, were appropriated to the great Baron Court of the Sovereign. This court, which was ſometimes called the King's Court, ſometimes the Court of Exchequer, comprehended the whole buſineſs, which is now ſhared out among four courts, the Chancery, the King's Bench, the Common Pleas and the Exchequer.

Such an accumulation of powers was itſelf a great ſource of authority, and rendered the juriſdiction of the Court terrible to all the ſubjects; but the power of the Crown was ſtill more increaſed, as well as ſupported, by a great revenve; and by a revenue that was fixed, perpetual, and independent of the ſubject.

In the general diſtribution of land among his followers, William kept poſſeſſion of no leſs than 1422 manors in different parts of England, which paid him rent either in money, or in corn, cattle, and the uſual produce of the land. An ancient hiſtorian computes,

putes, that his annual fixed income, beſides eſcheats, fines, reliefs, and other uſual profits to equal value, amounted to 400,000l. a year; a ſum equal to at leaſt nine or ten millions at preſent; and as that Prince had neither fleet nor army to ſupport, the former being only a caſual expence, and the latter maintained, without any charge to him, by his military vaſſals, we muſt thence conclude, that no Emperor, or Prince, in any age or nation, was ever to be compared to the Conqueror in opulence and riches. The rent of the Crown lands, conſidered merely as ſo much riches, was a ſource of power: The influence of the King over his tenants and the inhabitants of his towns, increaſed this power: But the other numerous branches of his revenue, beſides ſupplying his treaſury, gave, by their very nature, a great latitude to arbitrary authority, and were a ſupport of the prerogative; as will appear from an enumeration only of ſome of them.

The King was never content with the ſtated rents, but levied heavy tailliages at pleaſure on the inhabitants, both of town and country, who lived within his demeſne. All bargains of ſale, in order to prevent theft, being prohibited, except in boroughs and public markets, he exacted tolls on all goods which were there ſold. He ſeized two hogſheads, one before and one behind the maſt, from every veſſel that imported wine. All goods paid to his cuſtoms a proportionable part of their value. Paſſage over bridges and on rivers was loaded with tolls at pleaſure. In ſhort, the commerce of the Kingdom

was

was so much given up to the King, that he erected gilds, corporations, and monopolies, wherever he pleased; and levied sums for these exclusive privileges. Danegelt was a species of land-tax levied arbitrarily by the early Norman Kings. Moneyage was likewise a general land tax of the same nature, levied by the two first Norman Kings, and abolished by the charter of Henry the First.

The escheats were a great branch both of power and of revenue to the King, especially during the first reigns after the conquest. In default of descendants from the first Baron, his land reverted to the Crown, and continually augmented the King's possessions. The Prince had indeed, by law, a power of alienating these escheats; but by this means he enjoyed an opportunity of establishing the fortunes of his friends and servants, and thereby enlarging his authority.

When a Baron died, the King immediately took possession of the estate; and the heir, before he recovered his right, was obliged to make application to the Crown, to desire that he might be admitted to do homage for his land, and to pay a composition to the King. As this composition was not fixed by law, the king was often very exorbitant in his demands, and kept possession of the land till they were complied with.

If the heir was a minor, the King retained the whole profit of the estate till his majority; and might grant what sum he thought proper for the education of the young Baron. It is obvious, that a great proportion of the landed property must, by

means of this practice, be continually in the hands of the Prince, and that all the noble families were thereby held in continual dependence. When the King granted the wardſhip of a rich heir to any one, he had the opportunity of enriching a favourite or miniſter. If he ſold it, which he frequently did, he was thereby able to levy a conſiderable ſum of money.

If the heir was a female, the King was entitled to offer her to any huſband of her rank he thought proper; and if ſhe refuſed him, ſhe forfeited her land; even a male heir could not marry without the royal conſent, and it was uſual for men to pay large ſums for the liberty of making their own choice in marriage. No man could diſpoſe of his land, either by ſale or will, without the conſent of the ſuperior.

Fines, amerciaments, and oblatas, as they were called, were another conſiderable branch of the royal power and revenue. The ancient records of the Exchequer, which are ſtill preſerved, give ſurpriſing accounts of the numerous fines and amerciaments levied in thoſe days, and of the ſtrange inventions fallen upon to exact money, from the ſubject. It appears that the Anglo Norman kings put themſelves entirely on the footing of the barbarous Eaſtern Princes, whom no man muſt approach without a preſent, who ſell all their good offices, and who intrude themſelves into every buſineſs, that they may have a pretence of extorting money. Even juſtice was avowedly bought and ſold; the King's court itſelf, though

though the ſupreme judicature of the kingdom, was open to none that brought not large preſents to the King; the bribes given for the expedition, delay, ſuſpenſion, and, doubtleſs, for the perverſion of juſtice, were entered into the public regiſters of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times.

Fines for crimes and treſpaſſes were another conſiderable branch of the royal revenue. Moſt crimes were attoned for by money; the fines impoſed were not limited by any rule or ſtatue; and frequently occaſioned the total ruin of the perſon, even for the ſlighteſt treſpaſſes. The foreſt laws, particularly, were a great ſource of oppreſſion. The King poſſeſſed 68 foreſts, 13 chaces, and 781 parks, in different parts of England; and no ſubject had any right, either to poſſeſs a foreſt, or even to hunt upon his own eſtate, unleſs by virtue of a charter from the crown. New and ſavage penalties were inflicted upon ſuch as incroached upon the King's game, or committed any treſpaſs in his foreſts; and the laws upon this ſubject were executed in a manner the moſt rigorous and tyrannical.

Such were the oppreſſive tenures of the feudal ſyſtem, and ſuch was the exorbitant power of the Crown in the reign of William the Conqueror; a power by which that Prince and his immediate ſucceſſors were enabled to maintain an abſolute and tyrannical government over their Engliſh ſubjects, for the ſpace of 149 years, that is, from the Norman Conqueſt to the eſtabliſhment of *Magna Charta*, or

the Great Charter of Liberties, in the ſixteenth year of the reign of King John.

CHAP. XII.

OF THE CAUSES WHICH COMBINED TO ESTABLISH THE GREART CHARTER, AND TO RESTORE THE ELECTIVE POWER OF THE PEOPLE.

SECT. I.

Acceſſion of William Rufus—Hhis tyrannical government—Uſurpation of Henry 1ſt.—His Charter to the city of London—His conceſſions to the Church and the Barons, the Baſis of the Great Charter—Uſurpation of Stephen—His Confirmation of Henry's Charters—His Barons' conditional promiſe of ſupport—Its effect—Conſequences of the war between Stephen and Matilda—Acceſſion of Henry the 2d—His extenſive dominions—The great Power of the Crown—The cauſes of an Alteration in the maxims of Government—Acceſſion of Richard the Firſt—His warlike genius—Its effects on the Liberty of the Subjects.

WILLIAM Rufus, the Conqueror's ſecond ſon, in conſequence of his father's will, aſcended the throne to

to the prejudice of his elder brother Robert, to whom Normandy and Maine had been left.

This Prince, being apprehenſive, that a deed ſo unformal, which violated Robert's right of primogeniture, might meet with great oppoſition, endeavoured to engage the affections of the native Engliſh; and as that people were now ſo thoroughly ſubdued, that they no longer aſpired to the recovery of their ancient liberties, and were contented with the proſpect of ſome mitigation in the tyranny of the Norman Princes, they zealouſly embraced William's cauſe, upon receiving ſome general promiſes of good treatment, and of enjoying the licence of hunting in the royal foreſts.

But William had no ſooner reduced his Anglo Norman Barons, who had endeavoured to place Robert on the Throne, than he gave a full career to his tyranny. All ranks of men, the Clergy not excepted, found reaſon to complain of an arbitrary and tyrannical adminiſtration. The Engliſh found themſelves expoſed to the ſame oppreſſions, which they had undergone in the reign of the Conqueror, and which were rather augmented by the violent impetuous temper of the preſent Monarch. But his ſubjects, by the fortunate arrow of Sir Walter Tyrrel, who ſhot him through the heart at a hunting-match, were happily delivered from his tyranny, after a reign of twelve years.

It was happy for England, that Henry the Firſt, who ſucceeded his brother William, found himſelf in a very critical ſituation, between his deſire of having

ing a Crown, and the means of obtaining it. He was the Conqueror's youngeſt ſon, and born in England; which was his only pretentions to the Crown, in oppoſition to his elder brother Robert, who was abſent in the Holy land, which gave Henry a great advantage over him.

Upon being appriſed of his brother's death, Henry ſecured the royal treaſure at Wincheſter; and, without loſing a moment, haſtened with his money to London. Having aſſembled ſome Noblemen and Prelates, whom his addreſs, or abilities, or preſents, gained to his ſide, he was ſuddenly elected, or rather ſaluted King; and immediately proceeded to the exerciſe of the royal dignity.

But as Henry foreſaw that a Crown, uſurped againſt all rules of juſtice, would ſit very unſteady on his head, he reſolved, by fair profeſſions at leaſt, to gain the affections of all his ſubjects. Beſides taking the uſual coronation-oath to maintain the laws and execute juſtice, he promiſed to renounce all unjuſt prerogatives, uſurped by the two late Kings; to aboliſh all rigorous laws, and grievous taxes; and to reſtore the laws of Edward the Confeſſor, as the law of the land, which ſecured to the people their perſons and property. And to convince his ſubjects, by undoubted facts, that he intended to govern them agreeably to this declaration, he granted one charter to the city of London, and another to the whole kingdom.

By his charter to the city of London, Henry, in ſome meaſure, reſtored the elective power of the people

people within the city, as they were empowered to hold Middleſex at three hundred pounds a year, to elect their own Sheriff and Juſticiary, and to hold pleas of the Crown. They were likewiſe exempted from Scot, Danegelt, trials by combat, and lodging the King's retinue. Theſe, with a confirmation of their privilege of their court of Haſtings, Wardmotes, and Common Halls, and their liberty of hunting in Middleſex and Surry, are the chief articles of this charter.

In that to the whole kingdom, he promiſed, that, at the death of any Biſhop, or Abbot, he never would ſeize the revenues of the See or Abbey during the vacancy, but would leave the whole to be reaped by the ſucceſſor; and that he would never let to farm any eccleſtaſtical benefice, nor diſpoſe of it for money. After this conceſſion to the Church, whoſe favour was of ſo great conſequence, he proceeded to enumerate the civil grievances, which he purpoſed to redreſs. He promiſed, that upon the death of any Earl, Baron, military tenant, his heirs ſhould be admitted to the poſſeſſion of his eſtate, on paying a juſt and lawful relief; without being expoſed to ſuch exorbitant exactions as had been required during the late reigns: He remitted the wardſhips of minors, and allowed guardians to be appointed, who ſhould be anſwerable for the truſt: He promiſed not to diſpoſe of any heireſs in marriage, but by the advice of all the Barons; and if any Baron intended to give his daughter, ſiſter, niece, or kinſ-

woman,

woman, in marriage, it ſhould only be neceſſary for him to conſult the King, who promiſed to take no money for his conſent, nor ever to refuſe permiſſion, unleſs the perſon, to whom it was propoſed to marry her, ſhould happen to be his enemy: He granted his Barons and military tenants the power of bequeathing by will their money or perſonal eſtates; and if they neglected to make a will, he promiſed, that their heirs ſhould ſucceed to them: He renounced the right of impoſing moneyage, and of levying taxes at pleaſure on the farms which the Barons retained in their own hands: He made ſome general profeſſions of moderating fines: He offered a pardon for all offences; and he remitted all debts due to the crown: He required that the vaſſals of the Barons ſhould enjoy the ſame privileges, which he granted to his own Barons; and he promiſed a general confirmation and obſervance of the laws of King Edward. Such is the ſubſtance of the chief articles contained in that famous charter; and though Henry, after the preſent turn was ſerved, never once thought, during his reign, of obſerving one ſingle article of it, it ſerved as the ground work of the great charter of liberties, obtained from King John.

Stephen, having ſecured the intereſt of the Clergy, by means of the late King's treaſure, aſcended the Throne; and, without any ſhadow either of hereditary title, or conſent of the nobility or people, was allowed to proceed to the exerciſe of the Sove-

reign

reign authority. As this Prince had a powerful competitor for the Crown, in the perſon of Matilda, the only deſcendant of Henry, and as ſuch, had many friends to ſupport her title, he was very liberal in his promiſes to the Clergy, to the Nobility, and to the people. He not only confirmed the charter of Henry, but engaged to carry it into execution whenever, by their aſſiſtance, he ſhould be firmly eſtabliſh upon the throne.

Upon this the Barons promiſed him a conditional ſupport; that they would be faithful to him no longer than he was faithful to his promiſes; that they had been amuſed by promiſes, from all the Kings ſince the conqueſt, and therefore they ſhould now take their own meaſures. They accordingly fortified their caſtles, and put themſelves in a poſture of defence; ſo that, in a little time, there were above a thouſand fortified caſtles in the kingdom, which afterwards contributed much to the reſtoration of the Conſtitution.

In the ſucceeding wars, for the Crown, between Stephen and Matilda, the aſſiſtance of the people was abſolutely neceſſary on both ſides; and therefore they readily granted charters to many towns, for the government of themſelves upon their old Saxon principles; by which the elective power of the people was re-eſtabliſhed in thoſe towns, which, in time, operated to the great end of reſtoring the Saxon Conſtitution. ‡

‡ The partition of England into four diviſions, and the appointment of itinerant juſtices to go the circuit in each diviſion, and decide the cauſes in the

Henry the Second, ſurnamed Plantagenet, who ſucceeded Stephen, aſcended the throne with the approbation of all parties. The hopes of the Engliſh were much elevated upon his acceſſion; as he was deſcended from their ancient Kings, they imagined he would reſtore to them their old form of government.

But the attention of Henry, who was a Prince of great abilities, was wholly taken up in defending his extenſive continental territories, which compoſed above a third part of the French Monarchy, againſt his rebellious ſubjects, and the encroachments of the neighbouring Princes; in repelling the incurſions of the Welſh; in reducing Ireland; and in reſiſting the uſurpations of the Pope and his own Clergy, which had mounted to ſuch a height, that it became neceſſary to determine whether the King or Becket, the Archbiſhop of Canterbury, ſhould be ſovereign of the kingdom. As Henry had neither leiſure nor inclination to re-eſtabliſh the Saxon mode of government, he left the legiſlative authority in the ſame condition as he found it; and the power of the Crown greatly increaſed. Yet, from this time time, the Conſtitution began to revive and emerge from that load of oppreſſion that it had lain under, for the ſpace of one hundred and twenty three years.

The Norman and other foreign families, eſtabliſhed in England, had now ſtruck deep root; and being entirely

counties, was an important ordinance of this Prince, had a direct tendency to reſtrain the oppreſſion of the Barons, and protect the inferior gentry and common people in their property.

entirely coalited with the people, whom at firſt they oppreſſed and deſpiſed, they no longer thought that they needed the protection of the Crown for the enjoyment of their fortunes, or conſidered their tenure as precarious and dependent. They aſpired to the ſame independence, which they ſaw enjoyed by their brethren on the Continent, and deſired to reſtrain thoſe exorbitant prerogatives and arbitrary practices, which the neceſſities of war and the violence of conqueſt had at firſt obliged them to indulge in their Monarch. The memory alſo of that equitable government under the Saxon Princes, which remained with the Engliſh, diffuſed ſtill farther the ſpirit of liberty, and made the Barons both deſirous of more independence to themſelves, and willing to indulge it to the people. And it was not long before this ſecret revolution in the ſentiments of men produced, firſt violent convulſions in the State, then an evident alteration in the maxims of government.

Richard the Firſt, Henry's ſon and ſucceſſor, was a prince of ſuch a warlike genius, that it ſeems to have engroſſed the whole man; and to have excluded all other thoughts, but what might contribute to the gratification of his ruling paſſion. He had engaged himſelf, with the King of France, to proſecute a war againſt the Saracens in the Holy-land,†

† He conquered the iſland of Cyprus; and reduced the city of Acre, the ancient Ptolemais, in Paleſtine; but was taken priſoner on his return home by the Duke of Auſtria, and an immenſe ſum paid for his ranſom.

agreeable to the cruſading madneſs of thoſe times; which involved him in an expence which his ordinary revenue was not able to ſupport. This put him upon many expedients of raiſing money to execute his enterprize; ſome of which were very unjuſt, arbitrary, and impolitic.

It was under Richard, who was denominated the ſelling Prince,† that many of our cities, towns, and boroughs, purchaſed back their old Saxon rights, of being governed by their own magiſtrates; where they had not done it before. For it had been a frequent practice, after Henry the Firſt, to purchaſe back ſometimes a part, and ſome times the whole of their old Saxon privileges, liberties, and franchiſes, for a fine to the King; for which the Kings were wont to give them charters. And from hence it comes that our corporations hold their reights by written charters, which were always made by way of grants. The city of London bought back the privilege of having a Mayor, or chief magiſtrate, of their own electing; and a power of electing two Sherriffs, to ſerve for the city of London and county of Middleſex. Such were the means by which the cities, and boroughs, recovered by degrees their ancient Saxon Government, and became once more little republics within themſelves. But as to the rural tithings, or the Saxon country diviſions, they were ſo confounded and entangled with the different

† Richard ſold every thing that he could part with, or find a purchaſer for: when his friends adviſed him againſt ſuch ſales, he ſtopped their mouths by telling them, "He would ſell the city of London, if he could find a purchaſer."

different rights of the Baronies and Manors, and other Norman eſtabliſhments, that they were never able to make the leaſt attempt to recover their old tithing form of Government.

CHAP. XII.

THE SAME SUBJECT CONTINUED.

SECT. II.

Acceſſion of John—His war with France—His quarrel with the Pope—Their effects—Diſcontents of the Barons—Inſurrection of the Barons—Eſtabliſhment of the Great Charter—Its principal Clauſes—Perjury of the King—Renewal of the civil wars—Prince Lewis of France called over—Death of the King—Acceſſion of Henry the Third—Magna Charta confirmed—The Charter of the Foreſts obtained—The King's partiality to Foreigners—His arbitrary Government—Diſcontent of the Barons—Civil war—Uſurpation of Leiceſter—Houſe of Commons—Battle of Eveſham and death of Leiceſter—Settlement of the Government.

JOHN, properly ſurnamed lack-land, brother to Richard, ſucceeded to the throne with a diſputed title. This Prince's character was a complication of vices equally mean and odious; ruinous to himſelf

ſelf and deſtructive to his people. He was involved in three great ſtruggles, from which it would have required the abilities of an Alexander, or a Cæſar, to extricate themſelves with honour; but which, under his management, could hardly fail to terminate in diſgrace and ruin. The firſt was, his war with the King of France; the ſecond, his conteſt with the Roman Pontiff; and the third, which was his greateſt misfortune, his quarrel with his people. By the firſt, happily for England, he loſt all his Norman and French dominions, and with them his ſupport. For theſe provinces had always, ſince the Conqueſt, furniſhed the Kings of England with a foreign army, to keep the Engliſh in obedience and ſubmiſſion to their tyrannical power, without which all their pretended right of conqueſt would have availed them nothing. By his quarrel with the Pope, he loſt the benefit of that enthuſiaſtic regard, which the ſuperſtition of the people hath generally entertained for the ſentiments of the Clergy. For the Church, in this caſe, found it her intereſt to diſcharge his ſubjects from obedience to his perſon, and expoſed him as a prey to all his enemies.

The Barons thought this a favourable opportunity to declare themſelves; they accordingly inſiſted that the King ſhould reſtore to them their rights and privileges, purſuant to his promiſes before his coronation, as well as to the charters of his predeceſſors. For notwithſtanding Henry the Firſt had granted a

charter

charter, favourable in many particulars to the liberties of the people; and notwithſtanding both Stephen and Henry the Second had renewed and confirmed this grant; yet the conceſſions of all theſe Princes had ſtill remained without effect; and the ſame unlimited authority continued to be exerciſed by them and their ſucceſſors. The whole people had been reduced to a ſtate of vaſſalage under the King or the Barons, and even the greateſt part of them to a real ſtate of ſlavery; and the nation, during the courſe of years, had groaned under a tyranny, unknown to all the Kingdoms founded by the Norman conquerors.

In an aſſembly of the Barons, held at London, Cardinal Langton informed them, that, before he gave the King abſolution, he had cauſed him to ſwear that he would reſtore the Church, the Nobility, and the Commonalty to their rights and privileges. But as difficulties might occur in the particulars to be required of the King, they might have recourſe to a charter granted by Henry the Firſt, of which he had fortunately found a copy; notwithſtanding the pains taken to bury it in oblivion.

The Barons reſolved to make this charter the grounds of their demands upon the King; and immediately entered into an aſſociation, and bound themſelves, by an oath, to ſtand by each other, and uſe their utmoſt endeavours to obtain the eſtabliſhment of their juſt rights and privileges. This was the firſt aſſociation that was ever made, in England.

in

in defence of the rights of the people againſt the Sovereign.

Having fortified their caſtles, and put themſelves in a poſture of defence, the Barons ordered a committee to attend the King, at London, with a petition, praying that he would grant them a renewal of Henry's charter, and a confirmation of the laws of St Edward. The King, alarmed with their zeal and unanimity, as well as with their power, required a delay, promiſed that at the feſtival of Eaſter, he would give them a poſitive anſwer to their petition.

During this interval, John, in order to break the the league of his Barons, granted to the Clergy a charter, abandoning for ever that important prerogative, for which his father and all his anceſtors had zealouſly contended; and ſent an agent to Rome, in order to appeal to the Pope againſt the tyranny of his Barons, and procure him a favourable ſentence from that powerful tribunal.

On the approach of the feſtival of Eaſter, the malcontent Barons aſſembled at Stampford, a powerful army; in which were 2000 knights, beſides their retainers and inferior perſons without number. Elated with their power, they advanced in a body to Brackly within fifteen miles of Oxford, the place where the Court then reſided; there they received a meſſage from the King, by the Archbiſhop of Canterbury and the Earl of Pembroke, deſiring to know what thoſe liberties were which they ſo zealouſly challenged from their ſovereign. They delivered

livered to these messengers a schedule containing the chief articles of their demands; which was no sooner shown to the king, than he burst into a furious passion, and asked, why the Barons did not also demand of him his kingdom, swearing that he would never grant them such liberties as must reduce himself to slavery.

No sooner were the confederated Nobles informed of John's refusal, than they proceeded, without further ceremony, to make war upon the King. They laid siege to the castle of Northampton; they advanced to Ware in their way to London, where they held a correspondence with the principal citizens; and were received without opposition into that capital. The King was left at Oldham in Surrey with a poor retinue of only seven Knights; and after trying several expedients to elude the blow, after offering to refer all differences to the Pope alone, or to eight Barons, four to be chosen by himself, and four by the confederates, he found himself at last obliged to submit at discretion.

A Conference between the King and the Barons was appointed at Runnemede, between Windsor and Staines; a place which has ever since been extremely celebrated, on account of this great action. The two parties encamped apart, like open enemies; and after a debate of a few days, the King, with a facility which was somewhat suspicious, signed and sealed the Charter which was required of him. This famous deed, commonly called the Great Charter, either

granted or ſecured very important liberties or privileges, to every order of men in the kingdom, to the Clergy, to the Barons, and to the People.

The freedom of election was ſecured to the Clergy; the former charter of the King was confirmed, by which the neceſſity of a Royal Conge dê lire and confirmation was ſuperſeded: All checks upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleaſure: And the fines upon the Clergy, for any offence, were ordained to be proportioned to their lay eſtates, not to their eccleſiaſtical benefices.

The privileges granted to the Barons were either abatements in the rigour of their feudal law, or determinations in points which had been left by that law, or had become by practice, arbitrary and ambiguous. The reliefs of heirs ſucceeding to a military fee were aſcertained; an Earl's and Baron's at an hundred merks, a Knight's at an hundred ſhillings. It was ordained by the charter, that, if the heir be a minor, he ſhall, immediately upon his majority, enter upon his eſtate, without paying any relief. The King ſhall not ſell his wardſhip: He ſhall levy only reaſonable profits upon the eſtate, without committing waſte or hurting the property: He ſhall uphold the caſtles, houſes, mills, parks, and ponds. And if he commit the guardianſhip of the eſtate to the ſherriff or any other, he ſhall previouſly oblige them to find ſurety to the ſame purpoſe. During the minority of a Baron, while his lands are in wardſhip, and are not in his own poſſeſſion, no debt which he owes to the

Jews

Jews ſhall bear any intereſt. Heirs ſhall be married without diſparagement; and before the marriage be contracted, the neareſt relations of the perſons ſhall be informed of it. A widow, without paying any relief, ſhall enter upon her dower, the third part of her huſband's, rents; ſhe ſhall not be compelled to marry, ſo long as ſhe chuſes to continue ſingle; ſhe ſhall only give ſecurity never to marry without her Lord's conſent. The King ſhall not claim the wardſhip of any minor, who holds lands by military tenure of a Baron, on pretence that he alſo holds lands of the Crown, by ſoccage or any other tenure. Scutages ſhall be eſtimated at the ſame rate as in the time of Henry the Firſt: and no ſcutage or aid, except in the three general feudal caſes, the King's captivity, the knighting his eldeſt ſon, and the marrying his eldeſt daughter, ſhall be impoſed, but by the great council of the kingdom; the Prelates, Earls and great Barons, ſhall be called to this great council, each by a particular writ; the leſſer Barons, by a general ſummons of the Sheriff. The King ſhall not ſeize any Baron's land for a debt to the Crown, if the Baron poſſeſſes as many goods and chattels as are ſufficient to diſcharge that debt. No man ſhall be obliged to perform more ſervice for his fee than he is bound to by his tenure. No governor nor Conſtable of a caſtle ſhall oblige any Knight to give money for caſtle guard, if he is willing to perform the ſervice in perſon, or by any other able bodied man; and if the Knight be in the field himſelf, by the King's command, he ſhall be exempt from all other ſervice of this nature. No

vaſſal ſhall be allowed to ſell ſo much of his land as to incapacitate himſelf from performing his ſervice to his Lord.

Theſe were the principal articles, which were calculated for the intereſts of the Clergy and the Barons. The following clauſes enſured the free and equitable adminiſtration of juſtice, and tended not only to the intereſts of inferior ranks of men, but to the benefit of the whole community.

It was ordained, that all the privileges and immunities above mentioned, granted to the Barons againſt the King, ſhould be extended by the Barons to their inferior vaſſals. The King bound himſelf not to grant any writ, empowering a Baron to levy aids from his vaſſals, except in the three feudal caſes. One weight and one meaſure ſhall be obſerved throughout the whole Kingdom. Merchants ſhall be allowed to tranſact all buſineſs without being expoſed to any arbitrary tolls and impoſitions: They and all freemen ſhall be allowed to go out of the kingdom, and return to it at pleaſure. London, and all cities and boroughs, ſhall preſerve their ancient liberties, immunities, and free cuſtoms: Aids ſhall not be required of them, but by the conſent of the great council. No towns nor individuals ſhall be obliged to make or ſupport bridges but by ancient cuſtom. The goods of every other free man ſhall be diſpoſed of according to his will: If he die inteſtate, his heirs ſhall ſucceed to them. No officer of the Crown ſhall take any horſes, carts, or wood, without the conſent of the owner. The King's

courts

courts of juſtice ſhall be ſtationary, and ſhall no longer follow his perſon: They ſhall be open to every one; and juſtice ſhall no longer be bought, refuſed, or delayed by them. The ſheriffs ſhall be incapacitated to hold pleas of the Crown; and ſhall not put any perſon upon his trial, from rumour of ſuſpicion alone, but upon the evidence of lawful witneſſes. No freeman ſhall be taken or impriſoned, or diſpoſſeſſed of his free tenement and liberties, or outlawed, or baniſhed, or anywiſe hurt or injured, unleſs by the legal judgment of his peers, or by the law of the land; and all who ſuffered otherwiſe in this and the two former reigns, ſhall be reſtored to their rights and poſſeſſions. Every freeman ſhall be fined in proportion to his fault; and no fine ſhall be levied on him to his utter ruin: Even a villian or ruſtic ſhall not by any fine be bereaved of his carts, ploughs, and implements of huſbandry. Such were the principal articles of the Great Charter; and notwithſtanding all the attempts and incroachments of John and his ſucceſſors, they ſtill remain the foundation and bulwarks of Engliſh liberty.

It muſt be confeſſed, that the former articles of the Great Charter contain ſuch mitigations and explanations of the feudal laws as are very reaſonable and equitable, and that the latter involve all the chief outlines of a legal government, and provide for the equal diſtribution of juſtice, and free enjoyment of property; the great objects for which political ſociety was at firſt founded by men, which the people have a perpetual and unalienable right to recal,

and

and which no time, nor precedent, nor ſtatute, nor poſitive inſtitutions, ought to deter from keeping ever uppermoſt in their thoughts and attention.

The Barons obliged the King to agree, that London ſhould remain in their hands, and the Tower be conſigned to the cuſtody of the Primate, till the execution of the ſeveral articles of the Great Charter. The better to enſure the ſame end, he allowed them to chooſe five and twenty members from their own body, as conſervators of the public liberties.

The King being heartily ſorry, at ſeeing himſelf thus ſtripped of his tyrannical power, retired to the iſle of Wight, with a few followers, as if deſirous to hide his ſhame and confuſion; but in this retreat he meditated the moſt fatal vengeance againſt all his enemies. Inſtigated with pride, revenge, malice, and deſpair, he reſolved, rather than ſubmit to reſtore the ancient rights of the people, to ſee England buried under her own ruins. But finding no remedy in himſelf, having neither men nor money, he choſe to follow the example of William the Firſt; and once more offer the lands of England, as a prize, to any adventurers that would fight for them.

He ſecretly ſent abroad his emiſſaries to enliſt foreign ſoldiers, and to invite the rapacious Brabancons into his ſervice, by the proſpect of ſharing the ſpoils of England, and reaping the forfeitures of the rebel Barons, as he called them. He likewiſe ſent his complaints to the Pope, and begged the protection of his holy arm. And as the wicked, tyrannical invaders of the common rights of mankind ſeldom failed, in

thoſe

thoſe days, to meet with the protection of the Church, the Pope abſolved John from his oath, annulled the Charter, and excommunicated the Barons. Upon the arrival of Pope's bull, and an army of foreign mercenaries John ventured to take off the maſk; and, under ſanction of the Pope's decree, recalled all the liberties which he had granted to his ſubjects, and which he had ſolemnly ſworn to obſerve.

The Barons, after obtaining the great Charter, ſeem to have been lulled into a fatal ſecurity, and to have taken no rational meaſures, in caſe of the introduction of a foreign force, for re-aſſembling their armies. The King was, from the firſt, maſter of the field; and immediately inveſted and reduced their caſtles.

The ravenous and barbarous mercenaries, incited by a cruel and enraged Prince, were let looſe againſt the eſtates, tenants, manors, houſes, parks of the Barons, and ſpread devaſtation over the face of the kingdom. The King, marching through the whole extent of England, from Dover to Berwick, laid the provinces waſte on each ſide of him; and conſidered every eſtate, which was not his immediate property, as entirely hoſtile, and the object of military execution.

The Barons, reduced to this deſperate extremity, and menaced with the total loſs of their liberties, their properties, and their lives, applied to the King of France for protection againſt their enemies; and offered, in return, to ſet Lewis the Dauphin upon the throne of England, provided he would execute the

Charter

Charter granted by King John. The King of France complied with their requeſt; and ſent an army, and ſeven hundred ſail of ſhips, commanded by his ſon Lewis; which effectually broke all the meaſures of King John. For, finding it impoſſible to prevent the French from landing, he retired to Wincheſter without much further reſiſtance; and after wandering about, for ſome time, upon the Eaſtern coaſt, fell ſick and died; after making his will, and leaving his ſon Henry heir to his title and diſpute.

Henry the Third, who was a minor, of ten years old, and the firſt infant King that ever reigned in England, ſucceeded his father; and had the good fortune to be governed by the great Earl of Pembroke, a nobleman of temper, judgement, courage and conduct; and Henry's ſtaunch friend and protector. In order to induce the Barons to ſupport their Sovereign, and to reconcile all men to the Government of his pupil, Pembroke not only made him renew and confirm the Great Charter, but grant them the Charter of the Foreſts, a circumſtance of great moment in thoſe ages, when hunting was ſo much the occupation of the Nobility, and when the King comprehended ſo conſiderable a part of the kingdom within his foreſts, which he governed by peculiar and arbitrary laws. This charter contained a variety of ſalutary regulations for mitigating the ſeverity of the foreſt laws, and for preventing the future encroachments of the Sovereigns. As theſe charters ſecured the rights of all orders of men, they

were

were regarded with a jealous eye by all, and became the baſis, in a manner, of the Engliſh Monarchy, and a kind of original contract, which both limited the authority of the King, and enſured the conditional allegiance of his ſubjects. Though often violated, they were ſtill claimed and recalled by the nobility and people; and as no precedents were ſuppoſed valid, that infringed them, they rather acquired, than loſt authority, from the frequent attempts made againſt them, in ſeveral ages, by regal and arbitrary power.

After the death of Pembroke, and the diſgrace of Hubert de Burge, two able and virtuous miniſters, Henry was entirely abandoned to his favourites, who were always foreigners; and on whom he laviſhed, without diſcretion, his diminiſhed revenue. All the chief eccleſiaſtical benefices of the kingdom were conferred on Italians; all the Engliſh were removed from their poſts in the King's houſehold, and foreigners put into their places; all the members of the privy council were diſmiſſed, and no body was left to adviſe the infatuated King, but his foreign miniſters: The government of caſtles throughout the kingdom was taken out of the hands of the Engliſh nobility and gentry, and 2000 indigent and rapacious foreigners were ſent to garriſon them; and every article of the Great Charter was infringed by the King and miniſters. And notwithſtanding Henry often promiſed redreſs both of eccleſiaſtical and civil grievances, and ratified by ſolemn oaths the great Charter, in order to obtain a temporary ſupply from parlia-

ment; yet the ſupplies were no ſooner granted, than his favourites, abuſing his weakneſs and facility, made him return to the ſame arbitrary and irregular adminiſtration; and the reaſonable expectations of his people were thus continually eluded and diſappointed.

Theſe imprudent and illegal meaſures afforded a pretence to the Earl of Leiceſter, who was a foreigner, but had ſucceeded to a large inheritance in England, to attempt to wreſt the ſcepter from Henry's feeble hand. Being joined by many of the Barons, that ambitious nobleman commenced hoſtilites againſt his ſovereign and benefactor. In the courſe of the civil wars, which ſo long deſolated the country, both the King and prince Edward having fallen into the hands of Leiceſter, he acted as ſole maſter and even tyrant of the kingdom. He treated the King as a captive, and made uſe of that Prince's authority to purpoſes the moſt prejudicial to his intereſts, and the moſt oppreſſive of his people. He every where diſarmed the royaliſts, and kept all his partizans in a military poſture. He carried the King from place to place, and obliged all the royal caſtles, on pretence of Henry's commands, to receive a governor and a garriſon of his own appointment. All the officers of the Crown and of the houſehold were named by him; and the whole authority, as well as arms of the State, was lodged in his hands. And that he might confirm and eſtabliſh his power, Leiceſter ſummoned a new Parliament to meet at London, and fixed this aſſembly on a more Democratical

cratical baſis than any ſince the Norman conqueſt. Beſides the Barons of his own party, and ſeveral eccleſiaſtics, who were not immediate tenants of the Crown, he ordered returns to be made of two Knights from every ſhire, which was under the power of his party, and two members from each cinque port, and from thoſe cities and boroughs engaged in the faction. Thus the people of England, at length, recovered their elective power in parliament, which they had enjoyed under their Saxon Kings, for ſix hundred years before the conqueſt.

This period is commonly eſteemed the epoch of the Houſe of Commons. But though that Houſe derived its exiſtence from ſo precarious and even ſo invidious an origin as Leiceſter's uſurpation, it proved ſoon, when ſummoned by the legal Princes, one of the moſt uſeful, and, in proceſs of time, one of the moſt powerful members of the national Conſtitution; and gradually reſcued the Kingdom from Ariſtocratical, as well as from Regal tyranny. Leiceſter's policy only forwarded by ſome years an inſtitution, for which the general ſtate of things had already prepared the nation. The feudal ſyſtem, with which the liberty, much more the power of the Commons, was totally incompatible, began gradually to decline; and both King and people, who felt its inconveniences, contributed to favour this new power; which was more ſubmiſſive than the Barons to the Regal authority of the Crown, and at the ſame time afforded protection to the inferior orders of the State.

Leiceſter, having aſſembled a Parliament of his own

model, pulled off the maſk, and began to cruſh his rivals among the powerful Barons. Some were accuſed in the King's name, ſeized, and committed to cuſtody, without being brought to any legal trial. Others, menaced with the ſame fate, and extremely diſguſted by the arbitrary and inſolent conduct of Leiceſter, who had engroſſed the whole power of the party, retired from Parliament. Theſe Noblemen joined the Royaliſts commanded by the gallant Edward, who had found means to make his eſcape from the enemies, and by the deciſive victory of Eveſham, and death of Leiceſter, the kingdom, which had been long a ſcene of bloodſhed, havock and confuſion, was, owing to the conduct and valour of that illuſtrious Prince, reſtored to ſome degree of tranquillity; the Crown recovered its prerogatives, the people a confirmation of their charters, and the Sovereign that liberty of which he had been ſo long, and ſo ignominiouſly deprived.

CHAP.

CHAP. XIII.

OF THE STATE OF THE GOVERNMENT, AND THE REPRESENTATION OF THE PEOPLE IN PARLIAMENT, FROM THE REIGN OF EDWARD THE FIRST, TO THE ACCESSION OF THE STUART FAMILY.

Edward's plan of policy---Changes in the ſtate of the nation,--their effects--Conſtituent parts of the Legiſlature. Houſes of Peers and Commons,—their ſeparate negative—Creation of a number of Royal Boroughs,—its effects—Rights of Election—Weight of the Commons—Power of the Crown in the reign of Henry 8th—State of the Government in the reign of Elizabeth.

THE plan of policy adopted by Edward, who ſucceeded his Father Henry, was equally generous and prudent. He conſidered the great Barons both as the immediate rivals of the Crown, and the oppreſſors of the people; and he propoſed, by an exact diſtribution of juſtice, and a rigid execution of the laws, to give at once protection to the inferior orders of

of the State, and to diminiſh the arbitrary power of the great, on which their dangerous authority was founded. The expences, attending his multiplied wars, joined to great alterations in the finances and military power of the Crown, as well as in private property, obliged him to have frequent recourſe to Parliamentary ſupplies, introduced the lower orders of the State into the public councils, and laid the foundations of great and important changes in the Government.

A conſiderable time after the Norman conqueſt, the demeſnes of the Crown, together with the extraordinary aids, and other feudal incidents, drawn from the Crown vaſſals, were the only funds for ſupporting the expence of government. But when the charge of the public, in conſequence of the extenſion of manufactures and commerce, and the improvements in agriculture, had been increaſed, theſe funds became inſufficient; and ſupplies were demanded by the King; and, after ſtretching as far as poſſible the ancient duties of the Crown vaſſals, it was found neceſſary to lay on an aſſeſſment upon all the inhabitants of incorporated towns, as well as upon all proprietors of land, whether they held immediately of the ſovereign, or of a ſubject.

The Norman Parliament, compoſed of all the great Barons, who were the immediate vaſſals of the Crown, did not amount to more than ſix hundred. To theſe opulent barons, attendance in Parliament was a duty which they were ſeldom unwilling to perform; as it gave them an opportunity of aſſerting their privileges, of courting

courting preferment, or of diſplaying their influence and magnificence. But, in courſe of time, the members of that aſſembly were ſubjected to great revolutions; their landed property were gradually ſhared out into more hands; and thoſe immenſe Baronies were divided, either by proviſions to younger children, by partitions among co-heirs, by ſale, or by eſcheating to the King, who gratified a great number of his courtiers, by dealing them out among them in ſmaller portions. Such moderate eſtates, as they required œconomy, and confined the proprietors to their own houſes, were better calculated for duration; and the order of Knights, and ſmall Barons, grew daily more numerous, and began to form a very reſpectable rank or order in the State. As they were all of them immediate vaſſals of the Crown by military tenure, they were, from the principles of the feudal law, equally entitled with the greateſt Barons, to a ſeat in the national council; and this right, though regarded as a privilege, which the owners would not entirely relinquiſh, was alſo conſidered as a burden, which they deſired to be ſubjected to only on extraordinary occaſions.

The diſuſe, into which the feudal militia had in a great meaſure fallen, made the Barons almoſt entirely forget their dependence on the Crown †: By the diminution

† Henry II. introduced the practice of making a commutation of the military ſervice of the Barons for money; and he levied ſcutages from his baronies, and knights fees, inſtead of requiring the perſonal attendance of his vaſſals. With this money he brought troops from the Continent, who were bound to ſerve for a ſtipulated time.

diminution of the number of knights fees, the King had no reaſonable compenſation when he levied ſcutages and exchanged their ſervices for money: The alienation of the Crown lands had reduced him to poverty: And, above all, the concèſſion of the Great Charter had ſet bounds to royal authority, and had renderedit difficult and dangerous for the prince to exert any extraordinary act of arbitrary power. In this ſituation it was natural for the King to court the friendſhip of the leſſer barons and knights, whoſe influence was nowiſe dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. Edward deſired, therefore, to have their preſence in Parliament, where they ſerved to controul the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burden upon them. He therefore diſpenſed with the attendance of the leſſer Barons in Parliament; and required them to chuſe in each county two of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them, of courſe, the authority of the whole order.

The ſame changes in the ſtate of the nation, which contributed principally to the riſe of the Shires, introduced likewiſe the Burgeſſes into parliament.

When the towns, in conſequence of their increaſing trade and opulence, had been incorporated, and, of courſe,

courſe, exalted to the rank of Crown vaſſals, it was but reaſonable that they ſhould have a voice in the national council, and more eſpecially, when extraordinary aids, beſides their conſtant yearly rent, were demanded from them, that they ſhould have an opportunity of refuſing or conſenting to their demands.

Their attendance in that aſſembly was, at the ſame time, of advantage to the ſovereign, and even more ſo than that of the ſmall barons; for the trading people, of all the inferior part of the nation, were the moſt liable to be inſulted and oppreſſed by the nobles, and were conſequently more attached to the monarch, who had found his account in protecting and ſupporting them. In order, therefore, to counterbalance the weight of the Ariſtocracy, and to obtain the aid of the towns, Edward iſſued writs to the ſheriffs, enjoining them to ſend to Parliament, along with two knights of the ſhire, two deputies from each borough within their county ¶; and theſe provided with ſufficient powers from their conſtituents, to grant ſuch ſupplies as they ſhould think reaſonable for the ſafety of the ſtate. "As it is a moſt equitable rule," ſays he, in his preamble to this writ, "that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts:" A noble principle, which ſeems to indicate a liberal mind in the King, and which laid the foundation of a free and equitable government.

¶ Writs were iſſued to about 120 Cities and Boroughs. The charges of their repreſentatives were born by the boroughs which ſent them.

From this period, both the knights of the ſhires, and the repreſentatives of the boroughs, continued to be conſtant members of the Legiſlature. All the independent property in the kingdom were now repreſented in Parliament: The Lords appeared in behalf of their own poſſeſſions; the inferior landed intereſt fell under the care of the county members; and the Burgeſſes were entruſted with the protection of that wealth which was employed in trade.

The union of the repreſentatives gave weight to the whole order; and it became cuſtomary for them, in return for the ſupplies which they granted, to prefer petitions to the Crown for the redreſs of thoſe grievances, under which they ſuppoſed the nation to labour. As the King's demands multiplied, thoſe petitions increaſed both in number and authority; and the prince found it difficult to refuſe men, whoſe grants had ſupported his throne, and to whoſe aſſiſtance he might ſo ſoon be again obliged to have recourſe. The Commons however were ſtill much below the rank of legiſlators. Their petitions, though they received a verbal aſſent from the throne, were only the rudiments of laws: The judges were afterwards entruſted with the power of putting them into form: And the King, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed that the Sovereign, at the deſire of any claſs of men, ſhould iſſue

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an order, which only concerned that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened men's eyes and corrected ſuch abuſes. It was found, that no laws could be fixed for one order of men without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of Peers, therefore, the moſt powerful order of the State, reaſonably expected that their aſſent ſhould be expreſſly granted to all public ordinances: And in the reign of Henry the fifth, the Commons required that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill.

But as the ſame cauſes, which produced a partition of property, continued ſtill to operate; the number of Knights and leſſer Barons, or what the Engliſh call the gentry, perpetually increaſed, and ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of Repreſentatives from the Counties was gradually ſeparated from that of the Peers, and formed a diſtinct order in the State. The growth of commerce, meanwhile, augmented the private wealth and conſideration of the Burgeſſes; the frequent demands of the Crown increaſed their public importance; and as they reſembled the Knights of Shires in one material

circumſtance, that of repreſenting particular bodies of men; it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their rights and privileges. Thus the third Eſtate, that of the Commons, reached at laſt its preſent form; and the Legiſlature came to be compoſed of three Eſtates, the King, the Lords ſpiritual and temporal, and the Commons; each of whom, in the determination of public meaſures, enjoyed a ſeparate negative.

But the office of the Commons was very different from that which it has ſince exerciſed with ſo much advantage to the public. Inſtead of checking and controuling the authority of the King, they were naturally induced to adhere to him, as the great fountain of law and juſtice, and to ſupport him againſt the exorbitant power of the Ariſtocracy, which was at once the ſource of oppreſſion to themſelves, and diſturbed him in the execution of the laws. The Kings, in their turn, gave countenance to an order of men, ſo uſeful and ſo little dangerous. Henry the Seventh, finding the Houſe of Commons ſubſervient to his intereſt, thought it expedient to beſtow additional weight upon that aſſembly, by increaſing the number of its members. For this purpoſe, many ſmall towns, upon the demeſnes of the Crown, were incorporated, and inveſted with all the privileges of Royal Boroughs; in conſequence of which they became entitled to ſend the uſual number of Burgeſſes to Parliament. In other towns, which had anciently been incorporated, but which had long neglected to ſend Repreſentatives, that obligation was renewed and enforced. The poorer and more inſignificant

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theſe Boroughs were, they promoted more effectually the deſign with which they were created; being ſo much the more dependent upon the Sovereign, and the more likely to chooſe Repreſentatives to follow his direction.

During the reigns of the Tudor Princes, after that of Henry the Seventh, and even upon the acceſſion of the Stuart Family, this expedient was put in practice to a great extent, and apparently with great ſucceſs. Henry the Eight reſtored, or gave, to twelve Counties, and to as many Boroughs in Wales, the right of ſending, each of them, one Repreſentative. In other parts of his domain he alſo created eight new Boroughs, requiring two Delegates from each. Edward the Sixth created thirteen Boroughs; and reſtored ten of thoſe which had given up the right of Repreſentation. Mary created ten, and renewed the ancient privilege in two. In the reign of Elizabeth, no fewer than twenty four Parliamentary Boroughs were created; and ſeven were reſtored. James the the Firſt created ſix, and reſtored eight. Charles the Firſt reſtored nine. From each of theſe Boroughs two Repreſentatives appear to have been admitted.

Theſe circumſtances will, in a great meaſure, account for that very unequal repreſentation in Parliament, which has been ſo often, and ſo juſtly complained of. No view of national utility could ever have produced ſo groſs an abſurdity. But, as the Sovereign had an intereſt in augmenting the Houſe of Commons, in order, with their aſſiſtance, to counteract the influence of the Peers; ſo by multiplying

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the ſmall and inſignificant Boroughs, he ſecured a more numerous party in that Houſe, and was enabled with greater facility, to over-rule its determinations.

At the reſtoration of the elective power of the people, the titles to their election, in the Counties, as well as in the different Cities and Royal Boroughs, became various, from a variety of circumſtances they found themſelves in at that period. The Knights of the ſhires were at firſt elected, in each County, by a meeting compoſed of the ſmall Barons, or vaſſals of the Crown. The rear vaſſals, or ſuch as held their lands of a ſubject ſuperior, were afterwards admitted to a ſhare in the election. By an act of Parliament, in the reign of Henry the Sixth, it is provided, that the Knights of Shires ſhall be choſen by perſons reſiding within the ſame County, and poſſeſſed of lands or tenements, of which the yearly rent, free from all charges, amounts to forty ſhillings.

The Repreſentatives of the Boroughs were at firſt elected by the Aldermen and common council. In length of time, the freemen of ſome of the Boroughs were admitted to a ſhare in the election. In others the Saxon mode was reſtored; the right of election was placed in every reſident inhabitant, that paid his ſhot and bore his lot. The City of Weſtminſter, and ſeveral others ſtill retain the true conſtitutional right of election; where every reſident inhabitant is entitled to a vote in the return of members.

In Scotland, the Knights of the ſhires were originally elected by every freeholder or tenant of the Crown

Crown, however ſmall his property might be. In the reign of James the Sixth of Scotland, and Firſt of England, the right of voting was reſtricted to freeholders poſſeſſing lands of forty ſhillings, of what was called "old extent;" that is of lands which were ſo rated in the ceſs or county books, about the end of the thirteenth, or beginning of the fourteenth century. This was a great and fatal blow to popular election; for though forty ſhillings was made, as in England, the nominal ſtandard of a vote, yet by carrying it back to a rate or valuation made three hundred years before, the extent of the qualification required was very much raiſed. And this circumſtance points out the efficient cauſe of the enormous difference which ſubſiſts between England and Scotland, with regard to the freedom and popularity of election in the counties. In England the qualification has been allowed to keep pace with the decreaſing value of money, and has therefore been extended to greater numbers of electors. In Scotland, by the limitations to the rates and valuations of very remote periods, the right of voting has been confined to the poſſeſſors of very conſiderable eſtates, and the number of electors has been very much diminiſhed.

In the reign of Charles the Second it was enacted, that where the right of voting on an old forty ſhillings land could not be proved, which had become difficult, then to be enabled to vote, it ſhould be neceſſary to be infeft in, or ſeized of an eſtate, valued in the ſame reign at 400 l. Scots annual rent. It is proper here to mention, that at this day, by the near-

eſt average which can be made over the whole kingdom, the rent of thoſe lands, which are valued at forty ſhillings "old extent," is now 100 or 130 l. Sterling; and the rent of thoſe lands valued in the reign of Charles the ſecond at 400 l. Scots, is now about 400 l. Sterling; ſo that this King more than tripled the qualification required in the greateſt part of the Kingdom, by ſubſtituting lands worth 400 l. inſtead of thoſe worth 100 l. or 130 l.

By the ancient and original conſtitution of the cities and boroughs, the magiſtrates and town councils were choſen by the reſident burgeſſes and proprietors of houſes and lands. But, by an act paſſed in 1469, the town councils were inveſted with the power of electing their ſucceſſors; and, in 1474 it was ordained, that four perſons of the old ſhould be anually choſen into the new town councils. By theſe laws, as far as they were effectual, the burgeſſes and inhabitants at large were disfranchiſed; they had no longer any controul over their magiſtrates; and the corporations became ſelf elected juntos, totally ſeparated in intereſt from their former conſtituents and fellow citizens.

Edward the Third confirmed the Saxon law, which ordained that a Parliament ſhould be held once a year, or oftner, if need be. But this law, like many others, was never obſerved, and loſt its authority by diſuſe. During this Prince's reign, the Parliament roſe into ſome conſideration, and acquired a more regular authority than in any former times; and even the Houſe of Commons, which, during turbulent

lent and factious periods, was naturally oppreſſed by the greater power of the Crown and Barons, began to appear of ſome weight in the Conſtitution. In the latter years of Edward, the King's miniſters were impeached in Parliament, particularly Lord Latimer, who fell a ſacrifice to their authority, and they even obliged him to baniſh his miſtreſs by their remonſtrances. Some attention was alſo paid to the elections of their members; and lawyers, in particular, who were, at that time, men of very inferior characters, were totally excluded the houſe during ſeveral parliaments.

Notwithſtanding this ſpirit of the Commons, Edward's reign was very arbitrary. He often impriſoned members for freedom of ſpeech in Parliament; and as a proof of his frequently violating the Great Charter, he was obliged to grant above twenty Parliamentary confirmations of that deed. He openly avowed and maintained the power of levying taxes at pleaſure, notwithſtanding the many remonſtrances of the Commons againſt ſuch illegal and unconſtitutional meaſures. "However," ſays Hume, "Theſe remonſtrances ſerved to prevent the arbitrary practices of the Court from becoming an eſtabliſhed part of the Conſtitution. In ſo much a better condition were the privileges of the people in the arbitrary reign of Edward the Third, than during ſome ſubſequent ones, particularly thoſe of the Tudors, where no tyranny or abuſe of power ever met with any check or oppoſition, or ſo much as a remonſtrance, from Parliament."

By the abolition of entails, in the reign of Henry the Seventh, an unbounded liberty was given to the alienation of land: and by the growing luxury of the times, a great part of the wealth which had been accumulated in the poſſeſſion of the nobility, was gradually diſſipated and transferred to the Commons, who, by the extenſion of trade and manufactures, were enabled to purchaſe a very conſiderable part of the eſtates of the barons. This great change in the balance of property carried a great part of the weight into the ſcale of the commons, which had lain before in the ſcale of the peers and clergy.

The Crown, in the reign of Henry the Eight, acquired a vaſt increaſe of power and influence from the reformation. The ſudden downfall of that great ſyſtem of eccleſiaſtical tyranny, which, during the courſe of many centuries, the policy of the Roman Pontiff had been continually extending, opened a new ſource of influence and authority to the Sovereign. The diſſolution of the monaſteries, whoſe revenues were immediately annexed to the Crown, beſtowed upon him a large acceſſion of riches. As the Pope was ſtripped of all that authority which he poſſeſſed in England, the King became the head of the Church; and as the Engliſh Hierarchy was, without any variation, permitted to remain, he acquired, by the diſpoſal of all the higher benefices, the entire direction of the clergy, and conſequently the command of that influence which they ſtill maintained over the people. By claiming, at the ſame time, the ſupremacy of the Roman Pontiff, the Sovereign was furniſhed

furniſhed with a new pretext for aſſuming the power to diſpenſe with the law.

Though Henry's reign be diſtinguiſhed by his cruelty, his extortion, his violence, and his arbitrary adminiſtration; yet in the numerous divorces produced by that Prince, in the regulations that were made concerning the legitimacy of his children, in the various and contradictory ſettlements of the Crown, he never pretended to act by virtue of his own prerogative, but continually ſheltered himſelf under the ſanction of a ſervile parliament, entirely devoted to his tyrannical and inconſiſtent meaſures.

All the deſigns of our Princes againſt liberty, ſince Parliaments were eſtabliſhed on the model ſtill ſubſiſting, have been conſtantly directed to one of theſe two points; either to obtain ſuch Parliaments as they could govern; or elſe to ſtand all the difficulties, and to run all the hazards of governing without Parliaments. The means principally employed, to the firſt of theſe purpoſes, have been undue influences on the elections of the members of the houſe of commons, and on theſe members, when choſen. When ſuch influences could be employed ſucceſsfully, they have anſwered all the ends of arbitrary will; and when they could not be ſo employed, arbitrary will have been forced to ſubmit to the conſtitution.

The ſpirit of liberty and commerce, which had begun to dawn among the Engliſh, a little before the reign of Elizabeth, was repreſſed by that arbitrary princeſs, who aſſumed a ſupreme and uncontroulled authority not only over both houſes of Par-

liament, but over both foreign and domeſtic trade. Monopolies and excluſive companies were increaſed to the deſtruction of all liberty, and extinction of all induſtry. By means of the Star Chamber, and the Court of High Commiſſion, which were arbitrary and oppreſſive tribunals; by the tyrannical and inquiſitorial powers veſted in the Secretary of State, and in the privy council; and by means of proclamations, which might affect any matter, even of the greateſt importance, the Crown poſſeſſed the whole legiſlative authority.

The Parliament, indeed, pretended to the right of making laws, as well as of granting ſubſides; but this privilege was, during that reign, ſtill more inſignificant than the other. Elizabeth expreſsly prohibited them from meddling with State matters, or eccleſiaſtical cauſes; and ſhe openly ſent the members to priſon, who dared to tranſgreſs her imperial edict in theſe particulars. This princeſs only ſupported thoſe prerogatives, which were tranſmitted to her by her immediate predeceſſors: She believed that her ſubjects were entitled to no more liberty than their anceſtors enjoyed: ſhe found that they entirely acquieſced in her arbitrary adminiſtration: And it was not natural for her to find fault with a form of Government, by which ſhe herſelf was inveſted with ſuch unlimited authority. But it muſt be acknowledged that Elizabeth employed her deſpotic power, in many reſpects, for the glory and intereſt of her ſubjects.

I ſhall conclude this part of my ſubject in the words of two eminent writers, of whoſe labours I have frequently availed myſelf. "When we review," ſays profeſſor Millar, "the Engliſh conſtitution, under the princes of the Norman, the Plantagenet, and the Tudor lines, it appears to illuſtrate the progreſs of our ſyſtem of civil policy. By the completion of the feudal ſyſtem, at the Norman conqueſt, the authority of the ſovereign was greatly increaſed; at the ſame time that his powers were, in many reſpects, diſcretionary, uncertain, and arbitrary. The ſubſequent progreſs of Government produced a gradual exaltation of the Crown; but the long continued ſtruggle between the King and his Barons, and the ſeveral great Chaters which they extorted from him, contributed to aſcertain, and define the extent of his prerogative. While the Monarch was thus gaining ground upon the ancient Ariſtocracy, the Conſtitution was acquiring ſomething of a regular form, and by the multiplication of fixed laws, proviſion was made againſt the future exertions of arbitrary power.

"The inſular ſituation of Great Britain, together with the climate and natural produce of the country, by encouraging trade and manufactures, gave an early conſequence to the lower order of the inhabitants; and, by uniting their intereſt with that of the King, in oppoſing the great Barons, diſpoſed him to increaſe their weight and importance in the community. Upon this account, when the Crown had attained its greateſt elevation, under the Princes of the Tudor

Tudor family, the privileges of the Commons were not regarded as hoſtile to the Sovereign, but were cheriſhed and ſupported as the means of extending his authority.

"In conſequence of theſe peculiar circumſtances, the Engliſh Government, before the acceſſion of James the Firſt, had come to be diſtinguiſhed from that of every other Kingdom in Europe: The prerogative was more limited; the national Aſſembly was conſtituted upon a more proper plan, and poſſeſſed more extenſive powers; and, by the intervention of juries, the adminiſtration of juſtice, in a manner conſiſtent with the rights of the people, was better ſecured."

"Though it be evident," ſays Hume," "that the Princes of the Houſe of Tudor, partly by the vigour of their adminiſtration, partly by the concurrence of favourable circumſtances, had been able to eſtabliſh a more regular ſyſtem of Government than any ſince the Norman conqueſt; yet they drew the Conſtitution ſo near to deſpotiſm, as diminiſhed extremely the authority of the Parliament. That Senate became, in a great degree, the organ of Royal will and pleaſure; oppoſition would have been regarded as a ſpecies of rebellion: And even religion, the moſt dangerous article in which innovations could be introduced, had admitted, in the courſe of a few years, four ſeveral alterations, from the authority alone of the Sovereign. The Parliament was not then the road to honour and perferment: The talents of popular intrigue and eloquence were uncultivated and unknown: And though that aſſembly ſtill preſerved

ſerved authority, and retained the privilege of making laws and beſtowing public money, the members acquired not, upon that account, either with Prince or people, much more weight and conſideration. What powers were neceſſary for conducting the machine of Government, the King was accuſtomed, of himſelf, to aſſume. His own revenues ſupplied him with money ſufficient for his ordinary expences. And when extraordinary emergencies occurred, the Prince needed not to ſolicit votes in Parliament, either for making laws or impoſing taxes, both of which were now become requiſite for public intereſt.

"The ſecurity of individuals, ſo neceſſary to the liberty of popular councils, was totally unknown in that age. And as no deſpotic princes, ſcarce even the eaſtern tyrants, rule entirely without the concurrence of ſome aſſemblies, which ſupply, both advice and authority; little, but a mercenary force, ſeems then to have been wanting towards the eſtabliſhment of a ſimple Monarchy in England."

CHAP.

CHAP. XIV.

OF THE STATE OF THE GOVERNMENT IN THE REIGN OF JAMES I.

Acceſſion of James—Revival of learning—Its effects on Government—Spirit of the Commons—Their importance—Diſputes between King and Parliament,—and their effects.

UPON the death of Elizabeth, the Engliſh nation called King James to the throne, as the lineal heir, though the whole Scottiſh line had been excluded by the will of Henry the Eight, made under the authority of an act of Parliament, and yet little regarded either by the Parliament, or the people.

About this period, the minds of men, throughout all Europe, but eſpecially in England, ſeem to have undergone a general, but inſenſible revolution. Though letters had been revived in the preceding age, they were chiefly cultivated by thoſe of ſedentary

tary profeſſions; nor had they, till now, begun to ſpread themſelves, in any degree, among men of the world. Arts, both mechanical and liberal, were every day receiving great improvements. Navigation had extended itſelf over the whole globe. Travelling was ſecure and agreeable. And the general ſyſtem of politics, in Europe, was become more enlarged and comprehenſive.

In conſequence of this univerſal fermentation, the ideas of men enlarged themſelves on all ſides; and the ſeveral conſtituent parts of the Gothic Government, which ſeem to have lain long inactive, began every where to operate and encroach on each other. On the continent, where the neceſſity of diſcipline had begot mercenary armies, the Prince commonly eſtabliſhed an unlimited authority, and overpowered, by force or intrigue, the liberties of the people. In England, the love of freedom, which, unleſs checked, flouriſhes extremely in all liberal natures, acquired new force, and was regulated by more enlarged views, ſuitably to that cultivated underſtanding, which became, every day, more common among men of birth and education. A familiar acquaintance with the precious remains of antiquity, excited in every generous breaſt a paſſion for a limited conſtitution, and begat an emulation of thoſe manly virtues, which the Greek and Roman authors, by ſuch animating examples, as well as pathetic expreſſions, recommended to us. The ſevere, though popular Government of Elizabeth had confined this riſing ſpirit within very narrow bounds: But when a new

and a foreign family ſucceeded to the throne, and a Prince, leſs dreaded and leſs beloved, ſymptoms immediately appeared of a more free and independent genius in the nation.

James who had been taught, from his infancy, that his prerogative was uncontroulable, and his right tranſmitted from Heaven,¶ took no care to conceal his ſentiments. But, by ſome exceptions the houſe of Commons took to the form of his ſummons to Parliament, he found that the people he came to govern, were very different from thoſe he had left behind, and perceived that he muſt give reaſons for every meaſure he intended to enforce. He therefore peruſed the Engliſh laws, as he had formerly done thoſe of his own country, and by theſe he reſolved to govern. But even here he found himſelf diſappointed. In a Government ſo fluctuating as that of England, opinion was ever deviating from law; and what was enacted in one reign, was contradicted by cuſtom in another. The laws had all along declared in favour of an almoſt unlimited prerogative, while the opinions of the people were guided by inſtructors, who began to teach oppoſite principles. All the Kings and Queens before him, except ſuch as were controuled by inteſtine diviſions, or

¶ Mr Hume obſerves, "That while James was vaunting his divine vicegerency, and boaſting of an almoſt unlimited prerogative, he poſſeſſed not ſo much as a ſingle regiment of guards to maintain his extenſive claims: A ſufficient proof, that he ſincerely believed his pretenſions to be well grounded, and a ſtrong preſumption, that they were at leaſt built on what were then deemded plauſible argument. The militia of England, amounting to 160,000 men, was the ſole defence of the kingdom.

awed by foreign invaſion, iſſued rather their commands to parliament, than gave their reaſons. James, unmindful of this alteration in the opinions of the people, reſolved to govern in the ancient manner, while the people, on the contrary, having once got an idea of the inherent privileges of mankind, never gave it up, ſenſible that they had reaſon and power alſo on their ſide.

In the beginning of this reign, the ſpirit of the Commons appeared in defence of their privileges. They ſecured the free poſſeſſion of their ſeats, and the right, which they claimed, in judging ſolely in their own elections and returns; a power which had formerly been aſſumed by the Chancellor. A power like this ſo eſſential to the exerciſe of all their other powers, cannot be deemed an encroachment in the Commons; but muſt be regarded as an inherent privilege, happily reſcued from that ambiguity, which the negligence of ſome former Parliaments had thrown upon it. They likewiſe eſtabliſhed their power of puniſhing, as well the perſons at whoſe ſuit any member is arreſted, as the officers who either arreſt or detain him. They began to feel themſelves of ſuch importance in the Government, that they entered, for the firſt time, an order for the regular keeping of their journals. A ſeat began to be regarded as an honour, and the country gentlemen contended for it; though the practice of levying wages for the Parliament men was not altogether diſcontinued. It was not till long afterwards, when liberty was thoroughly eſtabliſhed, and popular aſſemblies entered into every branch of public buſineſs,

that the members began to join profit to honour, and the Crown found it neceſſary to diſtribute among them all the conſiderable offices of the kingdom. Hence a majority of both houſes of Parliament became too often ſubſervient to the views and intereſts of the Sovereign, however prejudicial to the intereſts of the people.

During this whole reign, numberleſs were the diſputes between the King and his Parliament; one attempting to keep the privileges of the Crown entire; the other endeavouring to abridge the dangerous part of the prerogative; the one labouring to preſerve cuſtoms eſtabliſhed for time immemorial; the other equally aſſiduous in defending the inherent privileges of humanity. When the parliament would not grant a ſubſidy, James had examples enough among his predeceſſors, which taught him to extort a benevolence. Edward the Fourth, Henry the Eight, and Queen Elizabeth herſelf, had often done ſo; and precedent undoubtedly entitled him to the ſame privilege. On the other hand, the houſe of Commons, who found their growing power to protect the people, and not ſuffer the impoſitions of the Crown, conſidered that this extorted benevolence might at length render the Sovereign entirely independent of the parliament, and therefore complained againſt it as an infringement of their priviliges.

The King's liberality to his favourites, and the inſufficiency of his finances to maintain the royal dig-

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nity, † ſtill rendered him dependent upon his Parliament for money, and they took care to keep him in indigence. Thus he was often forced into conceſſions which, when once granted, could never be recalled; and when he ſuppoſed himſelf maintaining the Royal prerogative, it was diminiſhing on every ſide. The parſimony of the Parliament, and his neceſſities, obliged him to ſell ſeveral branches of his prerogative to the Commons, in order to ſecure ſupplies. Thus while James removed ſome of thoſe feudal tenures, under which the nation ſtill laboured, he rendered the Crown more dependent on the people. In proportion as the Commons perceived his wants, they found out new grievances; and every grant of money was ſure to come with a petition for redreſs. Thus the ſtruggles between James and his Parliament continued through this whole reign, and firſt gave riſe to that ſpirit of party, which has ever ſince continued, and which, while it threatens the total diſſolution of the Government, is the real cauſe of its permanent life and vigour.

CHAP.

† The public revenue did not exceed 450,000 pound *per* annum; a ſum no way proportioned to the expences of Government.

CHAP XV.

OF THE STATE OF THE GOVERNMENT, THE IMPROVEMENTS IN THE CONSTITUTION, AND THE SUBVERSION OF THE MONARCHY IN THE REIGN OF CHARLES THE FIRST.

SECT. I.

A Parliament—Its Parſimony and Diſſolution—A Benevolence—Second Parliament—Impeachment of Buckingham—Violent meaſures of the Court—Irregular levels of money—Third Parliament—Grievances--Petition of Right—Tonnage and Poundage--Violent proceedings of the Commons—Diſſolution of Parliament—State of Parties—Ship money—Trial of Hambden—Introduction of the Liturgy into the Church of Scotland—Rebellion of the Scots—Great Council of the Peers.

FEW Princes have aſcended a throne with more apparent advantages than Charles the Firſt; and none ever encountered more real difficulties. The advantages were ſuch as might flatter even the moſt cautious

tious Prince into ſecurity; the difficulties were ſuch as no abilities could ſurmount. He found himſelf, upon coming to the Crown, poſſeſſed of a peaceful and flouriſhing kingdom; his right undiſputed by all the world, his power ſtrengthened by an alliance with France, the moſt potent nation in Europe; his abſolute authority tacitly acknowledged by one part of his ſubjects, and enforced from the pulpit by the reſt. To add to all this, he was loved by his people, whoſe hearts he had gained by his virtues, his humility, and his candour.

But on the oppoſite ſide of the picture the Reader is preſented with a very different ſcene. Men had begun to think on the different rights of mankind; and found, that all had an equal claim to the ineſtimable bleſſings of freedom. The ſpirit of liberty was rouſed; and it was reſolved to oppoſe the ancient claims of Monarchs, who uſurped their power in times of ignorance or danger, and who pleaded in ſucceeding times their former depredations as preſcriptive privileges.

Charles had been taught from his infancy, to conſider the royal prerogative as a ſacred pledge, which it was not in his power to alienate, much leſs his duty to abridge. And though a Prince of a good underſtanding, he did not perceive that the genius and diſpoſition of his people had received a total change; he reſolved, therefore, to govern, by old maxims and precedents, a people who had lately found out that theſe maxims were eſtabliſhed in times of ignorance and ſlavery.

With

With theſe ſentiments Charles met his firſt parliament, of whom he aſked ſuch a ſupply as they ſhould think neceſſary for the recovery of the Palatinate, and the proſecution of the war with Spain, which had been, in the late reign, the reſult of their own importunate applications and entreaties. To anſwer theſe great and important ends, the Commons voted the King a ſupply of two ſubſidies, amounting to 112,000 l. a ſum no way proportioned to the greatneſs of the occaſion. And to this was added a petition for redreſſing the religious grievances of the nation. They demanded a ſtrict execution of the laws againſt the Catholics, and remonſtrated againſt ſome late pardons, granted to Prieſts. Buckingham, who had been the late King's favourite, and who was ſtill more careſſed by the preſent Monarch, did not eſcape their cenſures; ſo that, inſtead of granting the ſums requiſite, the Commons employed the time in diſputations and complaints, till the ſeaſon for proſecuting the intended campaign was elapſed. Charles, therefore, wearied with their delays, and offended at the refuſal of his demands, thought proper to diſſolve the Parliament.

To ſupply the want of Parliamentary aids, Charles iſſued privy ſeals for borrowing money from his ſubjects. With this tax, called a benevolence, the people were obliged, though reluctantly, to comply; it was in fact authoriſed by many precedents; but no precedents whatſoever could give a ſanction to injuſtice.

This ſupply being ſoon ſpent in a fruitleſs expedition

dition to the coaſt of Spain, Charles was again obliged to have recourſe to a Parliament. And though ſome ſteps had been taken to exclude the more popular leaders of the laſt Houſe of Commons, yet the preſent Parliament ſeemed more refractory than the former. When the king laid before the Houſe his neceſſities, and aſked for a ſupply, they voted him only three ſubſidies, which amounted to about 160,000l.; a ſum no way adequate to the importance of the war, or the neceſſities of the ſtate. But even this was not to be granted, until the grievances of the nation were redreſſed.

Their chief indignation was levelled againſt the Duke of Buckingham, a Miniſter who had no real merit, and the great infelicity of being the King's favourite. The Commons impeached him in the lower Houſe, while the Earl of Briſtol accuſed him among his Peers. The articles of the charge againſt him ſeem to have been frivolous, and muſt have ſunk of themſelves, had they not been intemperately oppoſed by the royal authority. Two members of the Houſe, who had been employed as managers of the impeachment againſt the Duke, were ſent to the Tower for ſeditious behaviour.

On this occaſion, the Commons exclaimed that their priviliges were infringed, and all freedom of debate deſtroyed. They proteſted, in the moſt ſolemn manner, that neither of their members had ſaid any thing diſreſpectful of the King, and they made preparations for publiſhing their vindication. The King releaſed the two members; and this compliance con-

firmed that obſtinacy in the Houſe, which his injuries had contributed to give riſe to. The Earl of Arundel, for being guilty of a ſimular offence in the Houſe of Lords, was raſhly impriſoned, and as tamely diſmiſſed by the King.

Thus the Commons having refuſed to grant the demands of the Court, without previous conditions, Charles, rather than give up his favourite, choſe to loſe the ſupply, and therefore once more diſſolved the Parliament

The King now finding himſelf involved in a great expence, by the war, and no ſupply from his Commons, had recourſe to ſuch expedients as he thought he found in his prerogative, to obtain money without the aſſiſtance of Parliament. The firſt, was a commiſſion directed to the Archbiſhop of York and others, to compound with the Catholics, and agree for diſpenſing with the penal laws enacted againſt them. The ſecond, was a loan from every Peer, of a certain ſum of money for the defence of the kingdom. The third, was an impoſition upon ſeveral ports, and martime counties, to equip a certain number of ſhips. The city of London was rated at twenty. The fourth, was an order that tonnage and poundage ſhould be ſtrictly collected. The fifth, was a tax under the name of a general loan, rated according as every man was aſſeſſed in the rolls of the laſt ſubſidy.

The meth ds made uſe of to enforce theſe impoſitions were various. Venal and corrupt Judges were appointed, who refuſed to adminiſter the law for the relief

relief of the ſubject. Upon ſome ſoldiers were billeted; others were preſſed into the ſervice, and inliſted in the fleet or army; and the Gentlemen were impriſoned by the authority of the Council, who determined all matters relating to the revenue, and the King's prerogative.

An unſucceſsful expedition to the iſle of Rhe, and the money levied, or rather extorted, under colour of prerogative, coming in ſlowly, and no way adequate to the neceſſities of the Government, Charles was again obliged to ſubmit to the Conſtitution, and to call a third Parliament. In his ſpeech he told them, "That they were convoked on purpoſe to grant the ſupplies; and that if they ſhould neglect to contribute what was neceſſary for the ſupport of the State, he would in diſcharge of his conſcience, uſe thoſe means that God had put into his hands, in order to ſave that which the follies of ſome particular men may otherwiſe put in danger.

But the King did not find his Commons intimidated by his threats, nor by thoſe of the Lord keeper, who commented upon his ſpeech. They boldly inveighed againſt his late arbitrary meaſures, forced loans, benevolences, taxes without conſent of parliament, arbitrary impriſonments, billeting ſoldiers, martial laws. Theſe were the grievances complained of, and againſt theſe they inſiſted that an eternal remedy ſhould be provided. An immunity from theſe oppreſſive claims of the prerogative they alledged to be the inherent right of the ſubject: And their demands they called a Petition of Right, as im-

plying privileges they had already been poſſeſſed of. After ſeveral evaſions, the King gave the petition of Right all the ſanction that was neceſſary to paſs it into a law: And the commons, on their part, granted him a ſupply of five ſubſidies.

The commons had no ſooner obtained the royal aſſent to the Petition of Right, than they reſumed their cenſure of Buckingham, whom they reſolved implacably to purſue. They likewiſe aſſerted, that a method of levying money uſed by the King called tonnage and poundage, without the conſent of Parliament, was a palpable violation of all the liberties of the people.† The officers of the cuſtom houſe were ſummoned before them, to give an account by what authority they ſeized the goods of the merchants, who had refuſed to pay the duty of tonnage and poundage. The Barons of the Exchequer were queſtioned concerning their decrees on that head; the Sheriff of London was committed to the Tower for his activity in ſupporting the Cuſtom houſe officers. Charles ſupported his officers in all theſe meaſures. This bred a quarrel between the King and his Commons, which ended in the diſſolution of the Parliament; after having firſt kept the ſpeaker in the chair, by violence, till a ſhort remonſtrance was framed, wherein Papiſts and Arminians were declared enemies to the State; and thoſe who levied

† This tax upon merchandize was a duty of very early inſtitution, and had been conferred on Henry the fifth, and all ſucceeding Princes during life, in order to enable them to maintain a naval force for the protection of the kingdom.

vied tonnage and poundage; and the merchants, who ſhould voluntary pay theſe duties, were denominated betrayers of Engliſh liberty, and public enemies.

In conſequence of this violent procedure, warrants were iſſued out of the Council chamber for apprehending nine of the leading members, under pretence of ſedition. Three of them were ſent priſoners to the Tower; and afterwards condemned, in the King's bench, to be impriſoned during the King's pleaſure, and ſeverely fined. This ſentence, procured by the influence of the Crown, ſerved only to ſhew the King's diſregard to the privileges of parliament, and to acquire an immenſe ſtock of popularity to the ſufferers, who had ſo bravely defended the liberties of their country.

Buckingham having fallen a ſacrifice to his unpopularity by the hands of one Felton, a diſcontented officer, and the parliament being diſſolved, Charles made peace with the two Crowns, againſt whom he had hitherto waged war, which had been entered upon without neceſſity, and conducted without glory. Being freed from theſe embarraſsments, he bent his whole attention to the internal policy of the kingdom, and took two men as his aſſociates in this taſk, who ſtill acted an under part to himſelf. Theſe were Sir Thomas Wentworth, afterwards created Earl Strafford: and Laud, afterwards Archbiſhop of Canterbury.

About this time, the nation was divided into two great parties, the Court and the Puritanical.—Parties which, towards the cloſe of this reign, were diſtinguiſhed

tinguiſhed by the names of Cavaliers and Round-heads.

The malecontents were compoſed chiefly of the Puritans, who had a great authority over the kingdom; and many of the leaders among the Commons had embraced the rigid tenets of that ſect. They were divided into three parties, which, though commonly united together, were yet actuated by very different views and motives. There were the political Puritans, who maintained the higheſt principles of civil liberty; the Puritans in diſcipline, who were averſe to the ceremonies and Epiſcopal government of the Church; and the doctrinal Puritans, who rigidly defended the ſpeculative ſyſtem of the firſt reformers. In oppoſition to all theſe ſtood the Court party, the Hierarchy, and the Arminians. This ſect, finding more encouragement from the ſuperſtitious ſpirit of the Church, than from the fanaticiſm of the Puritans, gradually incorporated themſelves with the former; and ſome of that ſect, by the indulgence of James and Charles, had obtained the higheſt offices of the Hierarchy.

According to the hiſtories of the times, the great cauſe of the conteſt between the King and his people aroſe, not from civil, but religious motives; not from a deſire on the one hand of extending power, and on the other of promoting liberty; but merely from the ardour of the King in ſupporting Biſhops, ſurplices, and other ceremonies of the Church, and the fury of the Puritans in aboliſhing thoſe diſtinctions, as remnants of Popiſh idolatry.

Laud,

Laud, having obtained the King's protection for carrying on his measures, took care to repay the Monarch, by magnifying on every occasion the regal authority; and treating all pretensions to independence, as a Puritanical innovation. The King's divine, hereditary, and indefeasible right, was the theme of every sermon; and those who attempted to question such doctrines, were considered as making an attack upon religion itself. Charles, who had now taken a resolution of calling no more parliaments, and which resolution he adhered to for the space of eleven years after, was very well satisfied with these doctrines; as they were the only means of facilitating his measures of government, and procuring those pecuniary supplies which he had no legal means of obtaining.

"Many of the means," Clarendon observes, "used by the King for raising money were unjust, many ridiculous, many scandalous, and all very grievous." But his chief dependence for a regular supply was a tax upon all his subjects, under the name of ship money. This was a tax which had, in former reigns, been levied without the consent of Parliament; but then the exigency of the State demanded such a supply.

Mr Hambden, who had been rated at twenty shillings for his estate, resolved, rather than tamely submit to so illegal an imposition, to stand a prosecution, and expose himself to all the indignation of the Court. All the judges, four only excepted, gave sentance in favour of the Crown, while Hambden

who

who loſt his cauſe, was more than ſufficiently recompenſed by the applauſes of the people.

Theſe national queſtions were now publicly canvaſſed; and the more they were examined, the more evidently did it appear to many, that liberty was totally ſubverted, and an unuſual and arbitrary authority exerciſed over the kingdom.

"Slaviſh principles," "they ſaid, concurred with illegal practices; eccleſiaſtical tyranny gave aid to civil uſurpation; iniquitous taxes were ſupported by arbitrary puniſhments; and all the rights of the nation tranſmitted through ſo many ages, ſecured by ſo many laws, and purchaſed by the blood of ſo many heroes and patriots, now lay proſtrate in undiſtinguiſhed neglect." In this univerſal ſtate of deſpondence, or clamour, an accident gave the people of England an opportunity of vindicating their ancient privileges; and even of acquiring greater than was compatible with the ſubjects happineſs to be poſſeſſed of.

Laud adviſed the King not only to perſecute the Puritans, but to introduce the liturgy of the Church of England into Scotland. The Scotch Puritans, who were republicans in principle, as well as thoſe in England, entered into a covenant, to ſupport and defend their opinions. They formed ſecret connections with the diſcontented Engliſh, and invaded England, where Charles was ſo ill ſerved by his officers and his army, that he was forced to agree to an inglorious peace. But neither party being ſincere in obſerving the terms, and Charles diſcovering that the

the principal leaders among the Scots had ſolicited the protection of the French King, he raiſed a freſh army by virtue of his prerogative. All his preparations, however, were baffled by the Scots, who being openly befriended by the Engliſh Houſe of Commons, made themſelves maſters of Newcaſtle and Durham. Charles, being in deſpair of ſtemming the torrent, at laſt yielded to it. He ſummoned to York a great council of Peers, who adviſed him to enter into a treaty with the Scots, and to call a Parliament. He ſoon after convoked that long Parliament, which never diſcontinued ſitting till they finally accompliſhed his ruin.

CHAP XV.

SECT. II.

Meeting of the Long Parliament—Strafford and Laud impeached—Great authority of the Commons—Triennial Bill—High Commiſſion and Star Chamber Courts aboliſhed—Strafford's trial—Bill for perpetuating the duration of Parliament—Impeachment of the Biſhops—Uſurpations of the Commons—Preparations for war—Fall of the Monarchy.

UPON the meeting of the Parliament, which conſiſted of men of very great abilities, and chiefly Puritans, the King in his ſpeech told them "That he was reſolved to put himſelf freely, and clearly, upon the love and affection of his Engliſh ſubjects." And his future behaviour correſponded with his words, and manifeſted a conviction of the errors of his adminiſtration. The Commons immediately entered upon buſineſs, and by unanimous conſent ſtruck a blow

blow, which may, in a manner, be regarded as decisive. Instead of granting the demanded supply, they impeached the Earl of Strafford, and Laud, and arraigned them before the House of Peers for high treason; upon which they were sent to the Tower. They also impeached Sir Francis Windebank, secretary of State; but he had the precaution to make his escape into France. They obliged Wren, Bishop of Ely, to give ten thousand pounds bail for his appearance; and they voted Lord Finch, keeper of the Great Seal, a traitor to his country, upon which he fled into Holland.

The Crown being thus deprived of the services of its Ministers, the Commons next proceeded to attack the few privileges it still possessed: and to overawe all those who might still be inclined to support the falling ruins of Monarchy. The Sheriffs, who had obeyed the King's mandate in raising ship money, were voted to be delinquents. All the farmers and officers of the customs, who had been employed, during so many years, in levying tonnage and poundage, were declared criminal, and purchased their pardon by paying a fine of 150,000 l. Every discretionary or arbitrary sentence of the Star Chamber, and High Commission courts, underwent a severe scrutiny; and all those who had concurred in such sentences, were voted to be liable to the penalties of law. No Minister of the King, no member of the Council, but what found himself exposed by this determination. The judges, who had declared against Hambden in the trial of ship money, were accused before the Peers,

and obliged to find ſecurity for their appearance. Berkley, a Judge of the King's Bench, was accuſed by order of the Houſe, when ſitting in his tribunal; and all men ſaw with aſtoniſhment the irreſiſtible authority of their juriſdiction.

They paſſed a law for Triennial Parliaments. And expelled from their own Houſe all ſuch members as had been monopoliſts or projectors.

The interpoſition of Peers in the election of Commoners was declared a breach of privilege; and continues ever ſince to be condemned by votes of the Commons, and yet univerſally practiſed throughout the nation.

As the ruling paſſions of this parliament were zeal for liberty, and averſion to the Church, they fell with great juſtice on two courts, which had been erected under arbitrary Kings. Theſe were the High Commiſſion Court, and the Court of Star Chamber. A bill unanimouſly paſſed the houſes to aboliſh both theſe courts, and in them to annihilate the principal and moſt dangerous articles in the King's prerogative. The firſt of thoſe, which was inſtituted for defending the eſtabliſhments of the Church, had great power in all eccleſiaſtical matters; and the judges in that court were entirely arbitrary in whatever puniſhments, or fines, they thought proper to inflict. The Star Chamber had given force to the King's proclamations, and puniſhed ſuch as ventured to tranſgreſs them; but that being now taken away, his proclamations were of no effect, and might be oppoſed with impunity. Thus that important branch

of

of prerogative, the ſtrong ſymbol of arbitrary power, and incompatible with a limited monarchy, being at laſt removed, left the ſyſtem of Government more conſiſtent and uniform. The King, in order to ſhow that he entertained no intention ever again to ſeparate himſelf from his parliament, paſſed theſe important bills, with very little ſcruple or heſitation; and ſeemed reſolved, by every indulgence, to acquire the confidence and affection of his people.

Hitherto we have ſeen the Commons in ſome meaſure the patrons of liberty and of the people; boldly oppoſing the ſtretches of illegal power, or repreſſing thoſe claims, which, though founded on cuſtom, were deſtructive of freedom. Thus far their aims, their ſtruggles, were juſt and honourable. Had they been contented with reſting here, after abridging all thoſe privileges of the Crown which were capable of injuring the ſubject, and leaving it all thoſe prerogatives that could benefit, they would have deſerved the higheſt gratitude from poſterity. But, from their ſubſequent conduct, it appears evident, that the leading men of the Commons had taken the reſolution of ſubverting the Conſtitution, and eſtabliſhing a Commonwealth on the ruins of Monarchy.

They began their operations, by puſhing on with the utmoſt vigour the impeachment of Strafford; whom the King and the Lords zealouſly defended. By which the Commons plainly ſaw, that if he eſcaped their vengeance, he muſt return into favour and authority; and they regarded his death as the only ſecurity they could have, both for the eſtabliſh-

ment

ment of their preſent power, and for ſucceſs in their farther enterpriſes. In order to intimidate the Peers, they raiſed ſuch a clamour, riot, and diſturbance, over the whole kingdom, and particularly in the city of London, that the old and timorous members, and thoſe they pointed out as obnoxious, durſt not attend their duty in either houſe. And even the King did not think himſelf ſafe in his own palace.

Nothing can ſhow more clearly to what a height they had raiſed the ſpirit of apprehenſion, than that, in a few days, they were able to get a petition ſigned by forty thouſand people, in the city of London; who attended the houſe of Peers to preſent it, to pray that the Lords would paſs the bill of attainder againſt Strafford. About eighty Peers had conſtantly attended his trial; but ſuch apprehenſions were entertained on account of the popular tumults, that only forty five were preſent when the bill of attainder was paſſed. Yet of theſe, nineteen had the courage to vote againſt it. A certain proof, that, if entire freedom had been allowed, the bill had been rejected by a great majority.

During the trial, the commons had induſtriouſly ſpread a report abroad, that it would be impoſſible to redreſs the grievances of the people, or find money to diſcharge the Scots army, ſo long as the King had it in his power to diſſolve the parliament; which they much apprehended he would do. When they ſaw the ſpirit of apprehenſion was ripe for their purpoſe, a member made a motion in the houſe, at a late hour, that if the King would paſs a bill, that the

the parliament ſhould not be diſſolved, prorogued nor adjourned, without their own conſent, he could procure 650,000l. for the diſcharge of the money due to the Scots, till they could find ſome other means to provide for it. The very next day the bill was paſſed with great unanimity and rapidity, and ſent up to the Lords for their concurrence; and, in four days after, this fatal bill, which rendered the power of his enemies perpetual, as it was already uncontroulable, received the King's aſſent.

This memorable event will be marked in our future annals, like that of Marius and Sylla, in the Roman hiſtory, who taught future adventurers the way to deſtroy the Roman Conſtitution, and make ſlaves of the people. For it is the firſt inſtance, in the Engliſh hiſtory, wherein the houſe of Commons impiouſly violated the rights of the people, and obtained an eſtabliſhment by act of parliament, by conſenting to a law for their own duration; by which the elective power of the people was deſtroyed; and our free State converted into a fixed and ſtanding Ariſtocracy.

There are three conſtitutional checks which defend one power in our State, from encroaching upon the rights and privileges of another. By this law, two out of the three were loſt. By this law, the King could not diſſolve his parliamant; and therefore he could not defend himſelf againſt the encroachments of the two houſes, upon his conſtitutional executive authority. By this law, the people loſt their elective power, for, as the King could not

diſſolve

diſſolve his parliament, ſo the people could not elect a new one; conſequently they had loſt their conſtitutional check againſt the treachery of their own members.

The intention of the Commons became very manifeſt, upon publiſhing that remonſtrance, which has become ſo memorable, and which was attended with ſuch important conſequences. In this remonſtrance, which was openly declared to be an appeal to the people, they ſummed up all their former grievances. And though theſe they aſcribed to a regular ſyſtem of tyranny in the King, and aſſerted that they amounted to a total ſubverſion of the Conſtitution; yet they declare, "That they had ſecured the property of the ſubject, by reducing the pretended prerogative of the King within the limits of law, and prevented for the future, his taxing the ſubject, or charging their eſtates, without the conſent of Parliament. That they had ſecured the liberty of the ſubject, by aboliſhing all the arbitrary courts of law, and reducing others within their due bounds. That they had made an example of evil councellors, and inſtruments of the paſt grievances; by which no man, for the future, durſt obey the King's illegal commands. That they had repealed many obſolete laws, which had been a cover for many grievances. They acknowlege, that the King, during this Parliament, had paſſed more good laws for the advantage of the ſubject, than had received the royal aſſent for many ages. And as a matter of the greateſt importance, that the King had paſſed an act for triennial

ennial Parliaments, which, as they themſelves obſerve, afforded a perpetual ſpring of remedies for the future."

If then they had ratified what was amiſs in times paſt, and provided a remedy for the time to come, what had they more to do?—Nothing, but to conſent to their own diſſolution, and renounce that unconſtitutional power they had become poſſeſſed of, and leave the State to that perpetual ſpring of remedies, which they had provided for the future.

Had they done this, they would have acted like honeſt men, and real patriots. But a diſſolution of their power was far from their thoughts. Their remonſtrance was a plain ſignal for farther attacks intended on royal prerogative, and nothing leſs was foreſeen, than a total abolition of the Monarchial Government of England.

The Commons began their operations by attacking Epiſcopacy, which was one of the ſtrongeſt bulwarks of the regal power. By their own ſingle authority, they ſuſpended all the laws which had been enacted by the whole legiſlature for the obſervance of public worſhip. They accuſed thirteen Biſhops of high treaſon, for enacting canons without the conſent of the legiſlature; the Biſhops were excluded from Parliament, and committed to cuſtody. Having excluded the Biſhops, and intimidated the Judges, and thus ſecured the Church and the Law; it now only remained to get poſſeſſion of the Sword alſo. They accordingly proceeded to petition that the Tower might be put into their hands; and that Hull,

Portſmouth, and the Fleet, ſhould be entruſted to perſons of their chuſing. Theſe were requeſts, the complying with which levelled all that remained of the ancient Conſtitution; however, ſuch was the neceſſity of the times, that they were at firſt conteſted, and then granted. At laſt, every compliance only increaſing the avidity of making freſh demands; the Commons deſired to have a militia raiſed, and governed by ſuch officers and commanders as they ſhould nominate. They deſired even to be permitted to command the army for an appointed time; which ſo exaſperated the King, that he exclaimed, "No, not for an hour." This peremptory refuſal broke off all further treaty; and both ſides were now reſolved to have recourſe to arms.

Charles retired to York, where he found the people more loyal, and leſs infected with the religious phrenzy of the times. From all quarters of England, the Nobility, and more conſiderable Gentry, either perſonally, or by meſſages and letters, expreſſed their duty towards him; and exhorted him to ſave himſelf and them from that ignominious ſlavery with which they were threatened. He was, in a ſhort time, attended by above forty Peers of the firſt rank, who, animated with the ſpirit of loyalty, derived from their anceſtors, adhered to the ancient principles of the Conſtitution, and valued themſelves on exerting the maxims, as well as inheriting the poſſeſſions, of the old Engliſh families.

That the King might deſpair of all compoſition, the Parliament ſent him the conditions on which they

they were willing to come to agreement. Their demands, contained in nineteen propoſitions, amounted to a total abolition of Monarchial authority. The propoſals were rejected by the King, and all his counſellors; who eſteemed war on any terms preferable to ſuch an ignominious peace.

Never was conteſt more unequal than ſeemed at firſt between the contending parties: Almoſt every advantage lay againſt the royal cauſe. The King's revenue had been ſeized by Parliament; all the ſea-port towns, except Newcaſtle, were in their hands, and thus they were poſſeſſed of the cuſtoms, which theſe could ſupply; the fleet was at their diſpoſal; all magazines of arms and ammunition were ſeized for their uſe: In ſhort, they were poſſeſſed of almoſt the whole power of the kingdom.

It is no part of my plan to enter into any detail of the hoſtile operations of the contending parties; I ſhall only obſerve, that to this infernal principle, the thirſt of power, I muſt aſcribe that unrelenting vengeance, with which the Parliament purſued the King, through the whole courſe of a moſt bloody war; becauſe he was the greateſt obſtruction to the eſtabliſhment of their Commonwealth, and conſequently to the eſtabliſhment of their own power; and that they never gave the King one moment's reſpite, till they brought his head to the block, and paved the way, through his blood, for the eſtabliſhment of their own ſovereign authority.

With the King fell the Houſe of Lords, which had, at the beginning, been but too inſtrumental in pul-

ling down the regal part of our government, and thus deſtroyed that juſt diviſion of power, which conſtitutes the beauty and ſtrength of our Conſtitution. Thus all degrees of power in the State were at once ſwallowed up in the Houſe of Commons: And the people left to bewail the dreadful conſequence of their own credulity, with their lives, liberty, and property, at the mercy of theſe traitors to their truſt.

Men of cool reflection, upon theſe hiſtorical events, (when they had ſeen, in this great ſtruggle for power between the King and Parliament, every nerve of the Conſtitution exerted upon one ſide or other, and every conſtitutional right claimed on both ſides, which might contribute to their ſucceſs,) juſtly concluded, "That England could never be brought into ſlavery, but by Parliaments themſelves."§

It is very evident, that the great barrier of our conſtitutional liberty conſiſts in an inſeparable union of intereſts, between the Houſe of Commons and the people; which can only ſubſiſt by annual election: And that Charles, by endeavouring to govern without Parliaments, had only cemented this union, and made this barrier impenetrable againſt himſelf; as it had been againſt every King, who had attempted to deſtroy it, ſince Henry the the Third.

But when the Houſe of Commons came to divide from the people, and ſet up a ſeparate intereſt for themſelves, it was but too evident, they could impoſe all

§ A maxim of the great Lord Burleigh's.

all manner of inſult, and outrage, as any ſingle handed tyrant whatever. They had no more regard to the ancient form of Government, to the rights, privileges, and franchiſes of the people, than William the Conqueror, or any other tyrant ſince his time. Indeed, after they durſt ſo impiouſly and treacherouſly deſtroy the elective power of the people, by obtaining a law for their own duration, it is no wonder they ſhould murder the King, deſtroy the Houſe of Lords, and make ſlaves of the whole Realm.

From the memorable revolutions, Hume obſerves, which paſſed in England, during this period, we may naturally deduce the ſame uſeful leſſon, which Charles himſelf, in his latter years, inferred; "That it is very dangerous for Princes to aſſume more authority, than the laws have allowed them." But it muſt be confeſſed, that theſe events furniſh us with another inſtruction, no leſs natural, and no leſs uſeful, concerning the madneſs of the people, the furies of fanaticiſm, and the danger of mercenary armies.

CHAP.

CHAP XVI.

OF THE STATE OF THE GOVERNMENT IN THE REIGN OF CHARLES THE SECOND.

Settlement of the Revenue—Sale of the remains of the Demeſnes of the Crown—Diſſolution of the Convention Parliament—A new Parliament—Prelacy reſtored—Reduction of the Army—Corporation Act—Act of Uniformity—Whig and Tory—Declaration of Indulgence—Teſt Act—Bill of Excluſion—Habeas Corpus Bill—Violence of the Commons—Great power of the Crown.

.....

THIS Prince was reſtored to the Crown by the voice of the whole nation. Every order of the State, all ranks of people, long diſtracted by unrelenting factions, and oppreſſed by a ſucceſſion of tyrannies, unanimouſly concurred in bringing about this ſurpriſing revolution. A revolution, which not only reſtored the King to his regal rights, but the nation to peace

peace, law, order, and liberty. As the Conſtitution ſeemed to be ſufficiently ſecured by the conceſſions made by the late King, and as the ſlender and precarious revenue rendered the Sovereign totally dependent, the Crown was conferred on Charles without any limitations whatſoever.

Dnring this reign, ſeveral laws paſſed for the ſecurity of religion and liberty; but, towards the cloſe of it, the methods of garbling corporations, adopted by the King, and ſupported by the Tories, gave the Crown ſuch an influence over the election of members to ſerve in Parliament, as deſtroyed that independency, by which alone the freedom of our Government can be ſupported.

Upon the King's confirming the abolition of wards and liveries, thoſe ſervile tenures of the feudal ſyſtem, which had long been regarded as a grievance by all lovers of liberty, the Convention Parliament voted that the revenue of the Crown for the civil liſt, the navy, guards and garriſons, and all the ordinary expences of the Government, ſhould be 1,200,000 pounds. A law was likewiſe paſſed empowering the King to ſell the fee farm rents, the laſt remains of the demeſnes, by which the ancient Kings of England had been ſupported. From this time, the Crown became totally dependent on the people, and relied entirely on their voluntary grants for its ſupport.

This Houſe of Commons, which had been choſen during the reign of the old Parliamentary party, chiefly conſiſted of Preſbyterians, who had not entirely

irely laid aſide their old jealouſies and principles. The claim of the two Houſes to the militia, the firſt ground of the quarrel, was never expreſsly reſigned by this Parliament. The King, therefore, finding that he could not confide in this Houſe of Commons, reſolved to call a new Parliament, by his own writ, that he might have the elections under his own management. By this means he procured a great majority in the Lower Houſe. This Parliament, which obtained the name of the penſioned Parliament, continued ſitting by prorogation from time to time, during the ſpace of ſeventeen years.

From this period, ſeveral of our ſucceeding Kings no longer directed their artillery againſt the Houſe of Commons, but againſt the elective power itſelf, in the hands of the people at large; ſince they found by experience, that the Commons were willing to make a ſeparate intereſt from their Conſtituents. The Houſe of Commons being chiefly compoſed of Royaliſts and zealous Church men, Monarchy and Epiſcopacy were exalted to as great power and ſplendour, as they had lately ſuffered miſery and depreſſion. The Biſhops were reſtored to their dioceſes, and reſumed their ſeats in the Houſe of Peers; and all the ejected Clergy recovered their livings. The army, ſo formidable in itſelf, and ſo much accuſtomed to rebellion, and changes of Government, was deemed neceſſary to be diſbanded for the ſecurity both of King and Parliament. No more troops were retained than about 1000 horſe and 4000 foot, for guards and garriſons. This was the firſt appearance under

under the Monarchy of a regular ſtanding army in this iſland. All military authority was acknowleged to be veſted in the King; and he was empowered to appoint commiſſioners for regulating corporations, and expelling ſuch members as had intruded themſelves by violence, or poſſeſſed principles dangerous to the Conſtitution civil and eccleſiaſtical. An act of uniformity in religion was paſſed, by which it was required that every clergyman ſhould be reordained, if he had not before received Epiſcopal ordination; that he ſhould declare his aſſent to every thing contained in the book of Common Prayer; that he ſhould take the oath of canonical obedience; that he ſhould abjure the ſolemn league and covenant; and ſhould renounce the principle of taking arms, on any pretence whatſoever, againſt the King. In conſequence of this law, above two thouſand of the Preſbyterian clergy relinquiſhed their cures in one day, to the great aſtoniſhment of the nation; thus ſacrificing their intereſt to their religion.

The ſale of Dunkirk, though a prudent meaſure, a Court ſunk in debauchery, and the taxes of the nation chiefly employed in extending vice, and corrupting the morals of the people, excited great diſcontent, and firſt tended to diſguſt his ſubjects, and to diſpel that intoxication of loyalty, which had taken place at the King's reſtoration. The ejected clergy did not fail to inflame the minds of the people; and the nation was divided by two great Parties, which, towards the cloſe of this reign, were diſtinguiſhed by the appellation of Whig and Tory.

The Duke of York having openly declared himſelf a Catholic; a liberty of conſcience was allowed to all ſectaries, whether Diſſenters, or Papiſts. This meaſure was conſidered by the people as deſtructive not only of their liberties, but of their religion, which they valued more. The Commons, therefore, remonſtrated againſt that exerciſe of the prerogative, and perſiſted in their oppoſition to it. They juſtly repreſented that ſuch a practice, if admitted, might tend to interrupt the free courſe of the laws, and alter the legiſlative power, which had always been acknowleged to reſide in the King and the two Houſes. Charles found himſelf obliged reluctantly to retract his declaration of indulgence. Having abridged the King's ſtretches of power in theſe points, they reſolved to make the conformity of national principles ſtill more general. A law was paſſed, entitled the Teſt Act, impoſing an oath on all who ſhould enjoy any publick offices. Beſides taking the oaths of allegiance, and the King's ſupremacy, they were obliged to receive the ſacrament once a year in the eſtabliſhed Church. This act, however neceſſary in this reign, is now conſidered by many as a ſhackle both upon civil and religious liberty, and hath too long ſtood unrepealed by a legiſlature, which boaſts of being founded upon the principles of liberty and the common rights and intereſts of mankind.

The Commons having impeached Danby, the Lord Treaſurer, of high treaſon; and the Peers refuſing to commit him upon what they deemed an irregular charge, a great conteſt was like to ariſe between the two

two houſes; the King, therefore, reſolved to diſſolve this long Parliament, and try a new one, which he thought could not be more unmanageable than the former. However, the new Parliament did not in the leaſt abate of the activity and obſtinacy of their predeceſſors.

The Commons reſolved to ſtrike at the root of the evil, which threatened them from a popiſh ſucceſſor; a bill was brought in for the total excluſion of the Duke of York from the Crown of England and Ireland. This important bill, which implied baniſhment as well as excluſion, paſſed the lower houſe by a majority of ſeventy nine; but was thrown out of the Houſe of Peers by a very great majority. All the biſhops, except three, voted againſt it; for they were of opinion that the Church of England was in much greater danger from the prevalence of Preſbyterianiſm, than of Popery.

Penſions, to the amount of about fifteen thouſand pounds, were diſcovered to have been given to ſome of the members of the long parliament; a bill was accordingly brought in, excluding from the lower houſe all who received bribes and penſions, or poſſeſſed any lucrative office.

Penſions and bribes, though it be difficult entirely to exclude them, are dangerous expedients for Government; and cannot be too carefully guarded againſt, nor too vehemently decried by every one who has a regard to the virtue and liberty of a nation. The influence, however, which the Crown acquires from the diſpoſal of places, honours, and

preferments, is to be eſteemed of a different nature. This engine of power may become too forcible, but it cannot altogether be aboliſhed, without the total deſtruction of Monarchy, and even of all regular authority.

The Commons voted the King's ſtanding army and guards to be illegal: A new pretenſion, it muſt be confeſſed; but very neceſſary for the full ſecurity of liberty and a limited conſtitution. They proceeded to eſtabliſh limits to the King's power of impriſoning delinquents at will. That celebrated Statute, called the Habeas Corpus Act, was now finally eſtabliſhed, which confirms the ſubject in an abſolute ſecurity from oppreſſive power. The Great Charter had laid the foundation of this valuable part of liberty; the Petition of Right had renewed and extended it; but ſome proviſions were ſtill wanting to render it complete, and prevent all evaſion or delay from miniſters and judges. By this act, it was prohibited to ſend any one to priſon beyond ſea. No judge, under ſevere penalties, muſt refuſe to any priſoner a writ of *habeas corpus*, by which the goaler was directed to produce in court the body of the priſoner (whence the writ has its name) and to certify the cauſe of his detainer and impriſonment. If the goal lay within twenty miles of the judge, the writ muſt be obeyed in three days; and ſo proportionably for greater diſtances: Every priſoner muſt be indicted the firſt term after his committment, and brought to trial in the ſubſequent term. And no man,

man, after being enlarged by order of court, can be recommitted for the ſame offence.

This law alone, would have been ſufficient to endear the parliament that made it to poſterity; and it would have been well if they had reſted there. But the commons proceeded to bring in bills which ſeemed to be an attempt of forming indirectly an aſſociation againſt the Crown, after they found, that their excluſion bill could not paſs. A civil war never appeared ſo likely as at this period; and it was high time for the King to diſſolve a parliament, which ſeemed to entertain ſuch dangerous projects. Soon after he ſummoned another to meet at Oxford.

In this, as in all former Parliaments, the Whig party predominated. The bill of excluſion was more fiercely urged than ever in the Houſe of Commons; and no expedient, however plauſible, could ſo much as be hearkened to. Ernely, one of the King's miniſters, propoſed that the Duke of York ſhould be baniſhed during life, five hundred miles from England; and that upon the King's death, the next heir ſhould be conſtituted regent with regal power. Yet even this expedient, which left the Duke the bare title of King, could not obtain the attention of the Commons. Nothing but a total excluſion could ſatisfy them.

The Whig party were bent upon ſuch a revolution as afterwards took place; and were determined that the Duke of York ſhould never reign. This party rendered the reign of Charles very uneaſy; and it was perhaps owing to them, that civil liberty and

proteſtaniſm

proteſtaniſm now exiſt in the Britiſh Government. On the other hand, they ſeemed to have carried their jealouſy of a Popiſh ſucceſſor too far, and the people without doors, certainly thought that the Parliament ought to have been ſatisfied with the legal reſtraints, which Charles offered to impoſe upon his ſucceſſor. This gave ſuch a turn to the affections of the people, together with that influence which the Sovereign acquired by the ſurrender of the charters of the greater part of the corporations throughout the Kingdom, as rendered the power of the Crown, towards the cloſe of this reign, irreſiſtible.

CHAP.

CHAP. XVII.

OF THE CAUSES WHICH COMBINED TO BRING ABOUT THE REVOLUTION.

Acceſſion of James II.—His arbitrary Meaſures—Suſpenſion of the Penal Laws—King's partiality to the Catholics—Breach between the King and the Church—High Commiſſion Court—Sentence againſt the Biſhop of London—Embaſſy to Rome—Attempt upon Magdalen College—Impriſonment and Trial of the Biſhops—State of Europe—Prince of Orange forms a League againſt France—Is applied to by the Engliſh—Coalition of Parties—The Prince lands in England—General defection—King's Flight—Meeting of the Convention Parliament—Views of the Parties—Free Conference between the Houſes—Commons prevail—Settlement of the Crown.

THE Duke of York who ſucceeded his brother, had been bred a Papiſt, and was ſtrongly bigotted to his principles. And ſo lofty was the idea which he entertained

tertained of his legal authority, that he left his ſubjects little or no right to liberty, but what was dependent on his ſovereign will and pleaſure. He therefore conceived the impracticable project of reigning in an arbitrary manner, and of changing the eſtabliſhed religion of his country, at a time when his perſon was hated, and the eſtabliſhed religion paſſionately loved. The Republicans were diminiſhed to an inconſiderable number; and the Church party, and the great body of the people, were ſenſible of the advantages of a Limited Monarchy. The events of this ſhort reign are ſo well kown, that I ſhall only relate briefly a few of them.

James began his Government by aſſuming the exerciſe of the whole legiſlative authority. He iſſued a proclamation, ordering the cuſtoms and exciſe, which had been ſettled by Parliament on the late King for his life only, to be paid as before. He went openly, and with all the enſigns of his dignity, to maſs, an illegal meeting: And by this imprudence, he diſplayed at once his arbitrary diſpoſition, and the bigotry of his principles: Thoſe two great characteriſtics of his reign and bane of his adminiſtration.

He ſent an agent to Rome, in order to make ſubmiſſion to the Pope, and to pave the way for a ſolemn re-admiſſion of England into the boſom of the Catholic church. He publiſhed a declaration, allowing liberty of conſcience to all his ſubjects, ſuſpending and diſpenſing with the penal laws and teſts, and even with the oaths of allegiance and ſupremacy, on admiſſion into offices, civil and military.

In

In order to ſecure a Catholic intereſt in the privy council, four Catholic Lords were admitted. Rocheſter and Clarendon, the King's brothers in law, though they had ever been faithful to his intereſts, could not, by all their ſervices, atone for their adherence to the national religion, and were diſmiſſed from their employments.

Theſe violent attempts to produce a change of te national faith, could not be tamely born by the members of the Engliſh church. They had hitherto ſupported the King againſt his republican enemies, and to their aſſiſtance he chiefly owed his Crown. But finding his partiality to the Catholics, the Clergy of the Church of England commenced an oppoſition to court meaſures. The pulpits thundered out againſt Popery, and it was urged, that it was more formidable from the ſupport granted it by the King.

Not content with aſſuming the power of diſpenſing with the laws, James revived the High Commiſſion Court, which had given the nation ſo much diſguſt in the reign of his father; and which had been for ever aboliſhed by act of Parliament. Before this tribunal Dr Sharpe, who had declaimed with juſt ſeverity againſt thoſe who had been induced to change their religion, and the Biſhop of London, who had refuſed to ſuſpend Sharpe, were ſummoned; and, by a majority of votes, they were both ſuſpended.

Theſe meaſures had ſufficiently diſguſted every part of the Britiſh Empire; but to complete his

work, James ſent an ambaſſador to Rome, in order to expreſs his obedience to the Pope, and to reconcile his kingdoms, in form, to the Catholic communion. The Pope, in return for the embaſſy, ſent a *nuncio* into England. By act of Parliament any communication with the Pope was made treaſon: Yet ſo little regard did the King pay to the laws, that he gave the *nuncio* a public and ſolemn reception at Windſor.

The *nuncio* reſided openly in London during the reſt of this reign: And four Catholic Biſhops were publicly conſecrated in the King's chapel, and ſent through the kingdom to exerciſe their Epiſcopal functions, under the title of apoſtolical vicars.

The whole power in Ireland was committed to Catholics. In Scotland, all the miniſters, whom the King chiefly truſted, were converts to that religion. Every great office in England, civil and military, was gradually transferred from the Proteſtants. Nothing now remained but to open the door in the church and univerſities to the intruſion of the Catholics.

The place of preſident of Magdalen college, one of the richeſt foundations in Europe, being vacant, the King ſent a mandate in favour of Dr Parker, lately created Biſhop of Oxford, a man of proſtitute character, but who had atoned for all his vices, by his embracing the Catholic religion. The Fellows refuſing to comply with this injunction, the King repaired in perſon to Oxford, and finding them reſolute in defence of their privileges, he ejected them all,

except two, from their benefices, and Parker was put in poſſeſſion of the office.

The encroachments James made upon both the civil and religious liberties of his people, are almoſt beyond deſcription, and were diſapproved of by the Pope himſelf, and by all ſober Roman Catholics. His ſending to priſon, and proſecuting for a libel, ſeven biſhops, for preſenting a petition againſt reading his declaration, and though acquitted upon a legal trial, alarmed his beſt Proteſtant friends; and conſtrained the prelacy and eſtabliſhed church to ſeek protection in the principles of liberty.

The infatuated King, ſtill determined to ruſh forwards in the ſame precipitate career, ſtruck out two of the judges, who had appeared to favour the Biſhops. He iſſued orders to proſecute all thoſe clergymen, who had not read his declaration; that is, the whole Church of England; two hundred excepted. He ſent a mandate to the new Fellows, whom he had obtruded on Magdalen college, to elect for Preſident, in the room of Parker, lately deceaſed, one Gifford, a doctor of the Sorbonne, and titular Biſhop of Madura. In all theſe arbitrary, illegal, and violent meaſures, James was chiefly ſupported by father Peters, his confeſſor, an ambitious, ignorant, and intriguing Prieſt, whom ſome ſcruple not to call a concealed creature belonging to the Prince of Orange. By that Prince's ſecret directions, it is aſſerted, that the King was hurried on, under the guidance of Peters, from one precipice to another, un-

til he was obliged to give up the reins of that Government which he went near to overthrow.

Hume obſerves, "That while every motive, civil and religious, concurred to alienate from the King every rank and denomination of men, it might be expected, that his throne would, without delay fall to pieces by its own weight: But ſuch is the influence of eſtabliſhed Government; ſo averſe are men from beginning hazardous enterprizes; that, had not an attack been made from abroad, affairs might long have remained in their preſent delicate ſituation, and James might at laſt have prevailed in his raſh and ill concerted projects."

As the great object of the Prince of Orange's ambition was to be placed on the Britiſh throne, and at the head of a confederate army, in order to avenge the injuries which himſelf, his country, and his allies, had ſuſtained from Lewis the Fourteenth, was a principal cauſe which brought about the Revolution; it will be neceſſary, and, I flatter myſelf, entertaining to many of my readers, to give them a conciſe ſtate of Europe, at, and ſome time before, that memorable æra.

State of France.

A little before the middle of the ſeventeenth century, Europe was divided between the rival families of Bourbon and Auſtria, whoſe oppoſite intereſts, and

and mutual jealouſies, kept that quarter of the globe long convulſed. The Spaniſh Empire was the moſt extenſive, and deemed the moſt powerful, but France, more vigorous and more compact, was every day riſing in policy and diſcipline; and, in the reign of Lewis the Fourteenth, the glory of that kingdom, which had long been eclipſed either by domeſtic factions, or by the ſuperior force of the Spaniſh Monarchy, broke out with great luſtre, and excited the jealouſy of the neighbouring nations.

The foundation of the grandeur of the French Monarchy was laid by Lewis the Thirteenth. This Prince, ſenſible of the ſuperior ſtrength of the Houſe of Auſtria, and deſpairing of either peace or ſafety ſo long as that Houſe poſſeſſed the power of hurting him, concluded a treaty with Sweden, Holland, and the Proteſtant Princes of Germany, in order to curb the ambition of his rival, to ſupport the Proteſtant League, and to facilitate the re-eſtabliſhment of the Princes of the Empire, who had been deſpoiled of their eſtates by that imperious Houſe. And to keep that power employed in Italy, a league was entered into with the Dukes of Savoy, Parma, and Mantua. In conſequence of theſe treaties, the dominions of the Houſe of Auſtria were attacked on every ſide. The Swedes, under the command of the Great Guſtavus Adolphus, over-ran a great part of the Empire; while France extended the bounds of her dominions to the Rhine, and reduced a conſiderable part of the Low Countries. In the courſe of the long and deſtructive wars which ſubſiſted between theſe ambitious

ambitious rivals, many rich and fertile provinces were, by the victories of the Great Conde, and the celebrated Turenne, added to the dominions of Lewis the XIV. By the treaties of Weſtphalia, the Pyrenees and Nimeguen (1678), the Upper and Lower Alſace, Rouſillon, Artois, Franche Compte, Lorrain, and many important fortreſſes in the Spaniſh Netherlands, were ceded to France.

Lewis, while thus extending his dominious by the power of his arms, and the negotiations of his miniſters, did not neglect the internal ſecurity and intereſt of his kingdom. Aſſiſted by the genius and indefatigable induſtry of the great Colbert, he raiſed the French Monarchy to the higheſt pitch of grandeur. New colonies flouriſhed in Aſia, Africa, and America, which reflected no leſs honour on the miniſter, than they returned wealth to the nation. The arts were cultivated with the utmoſt aſſiduity; learning in all its branches flouriſhed, and reaſon and taſte united to expel the remains of Gothic barbariſm out of France.

Great military improvements were made: Lewis firſt armed muſquets with bayonets, and rendered infantry impenetrable. To this Monarch poſterity owes the proper uſe of artillery: he inſtituted accademies for this purpoſe at Douay and Metz. Lewis was not more remiſs in ſettling his marine on a reſpectable footing. The increaſe of commerce and navigation formed a ſeminary for ſailors; and his fleets, in return, ſecured and promoted trade. The civil wars, and the policy of Mazarine, ſuffered the French

navy

navy to fall into decay: but during the adminiſtration of Colbert, nothing could exceed the induſtry and ſpirit with which the French Court puſhed the marine. In the year 1667, France had ſixty ſhips of war in her harbours. The ſailors of the merchant men and royal navy were regiſtered, and found to exceed 60,000 men; every year the number was increaſing; and in the year 1681, France had a fleet of 200 ſail of men of war, excluſive of ſmaller veſſels; and 166,000 men were claſſed for the various ſervices of the navy. Theſe were glorious efforts, and ſuch as enabled Lewis to diſpute, with the maſters of the ocean, that ſuperiority they claimed. Such was the power of France, when Lewis, menaced by the league of Auſburgh, reſolved to ſtrike the firſt blow againſt the allies

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State of the Empire.

About the middle of the fifteenth century, Frederick the third, Duke of Auſtria, was raiſed to the imperial dignity, which continued in the male line of that family for three hundred years. His ſucceſſor, Maximilian, married the heireſs of Charles, Duke of Burgundy, whereby Burgundy, and the ſeventeen provinces of the Netherlands, were annexed to the houſe of Auſtria. Charles the Fifth, grandſon of Maximilian, ſucceeded to the kingdoms of Spain, Naples, and Sicily, and to the duchy of Milan, in right of his mother: And under this prince Mexico and

his

Peru were conquered by the Spaniards. All theſe kingdoms united, formed an Empire greater and more extenſive than any known in Europe ſince that of the Romans. Notwithſtanding the vaſt extent and reſources of this Empire, the kingdom of France alone, under Francis the Firſt, being cloſe, compact, united, rich, populous, and being interpoſed between many of the provinces of Charles's European dominions, was able to make a vigorous oppoſition to the progreſs of his arms.

Charles was perpetually engaged in war with France and the German Princes. Though ſucceſsful in the beginning of his reign, his good fortune, towards the concluſion of it, began to forſake him; and feeling his health daily decline and the vigour of his mind decay, he reſolved to depoſit the burden of government, and repoſe himſelf in the ſhade of private life. In conſequence of this reſolution, he reſigned Spain and the Netherlands to his ſon Philip; but could not prevail with the Princes of Germany to elect him Emperor. This dignity they conferred on Ferdinand, Charles's brother, thereby dividing the dangerous power of the houſe of Auſtria into two branches. Spain with all its poſſeſſions in Africa, and the new world, alſo the Netherlands, the kingdom of Naples, and Sicily, and the Duchy of Milan, remaining with the elder branch, whilſt Auſtria, with all the domains appertaining to that houſe in Germany, and the kingdoms of Hungary and Bohemia, fell to the lot of the younger, which they ſtill poſſeſs.

From

From the death of Ferdinand to the peace of Nimeguen, a ſpace of about 100 years, Germany was continually harraſſed with internal commotions, and invaſions from the Turks, the French, and their allies the Swedes. The Emperors, by their pride, ambition, and bigotted attachment to the religion of Rome, their avowed deſign to ſuppreſs the Proteſtant religion, extinguiſh the liberty of the Empire, and render the Imperial Crown hereditary in the houſe of Auſtria, involved their country in all the calamities of civil war. In the courſe of their long and deſtructive quarrels, the Swedes, who had been the chief ſupport of the Proteſtant League, acquired large dominions in the north of Germany; France extended her territories in the weſt; and the Turks made repeated efforts to extend their dominions on the ſide of Hungary.

Such was the ſtate of the Empire, when Leopold, the electors of Saxony and Brandenburgh, the Duke of Hanover, and the Land-Grave of Heſſe, formed the League of Augſburgh. England, Holland, Spain, Denmark, Sweden, and the Duke of Savoy, acceded to this grand confederacy, which threatened the total ſubverſion of the French monarchy.

STATE OF SPAIN.

SPAIN, once the moſt formidable maritime and commercial power in Europe, was, after the death of Philip the Second, governed by weak Princes, and by inſolent,

wicked, and tyrannical miniſters. From the death of that Prince to the eſtabliſhment of the Duke of Anjou upon the throne, a ſpace of little more than a century, the Spaniſh monarchy, aſſailed every where by vigorous enemies from without, and labouring under many internal diſorders, retained nothing of her former grandeur, except the haughty pride of her councils, and the hatred and jealouſy of her neighbours.

The Dutch, ſupported by France and England, had thrown off the yoke, and after a long and glorious ſtruggle, had been acknowledged independent States. The Spaniſh Armada, deemed invincible, had been deſtroyed by the Engliſh, and her naval power annihilated. The brave Catalans, oppreſſed by their tyrannical maſters, and encouraged and aſſiſted by France, had made repeated attempts to eſtabliſh their independence. Portugal, after it had been conquered, and annexed to the empire, had revolted, and eſtabliſhed its monarchy in the houſe of Braganza, under the guarantee of Britain. The heretics had been perſecuted with the utmoſt ſeverity; and the induſtrious Moors had been expelled, and the country depopulated, in order to gratify the reſentment, and ſtill the fears, of avaricious and timid prieſts. Naples and Meſſina, ſhaken with popular convulſions, and inſulted by the Turkiſh fleet, had revolted, and claimed the protection of France. Jamaica, that invaluable acquiſition to the commerce of Great Britain, had been taken by the Engliſh. Dunkirk, reduced by the combined forces of France

and

and England, had been ceded to Cromwell. The low countries had been invaded by ſuperior forces; and the Spaniſh infantry, anciently ſo formidable, had been annihilated by the Prince of Conde, in the fields of Rocroy. Franche Compte, Rouſillon, Artois, and Flanders, had become provinces of France. And to add to her misfortunes, owing to the long and expenſive wars maintained againſt the ſuperior force of the French monarchy, the Turkiſh Empire, and the African Princes, public affairs had fallen into confuſion; and this kingdom, once ſo powerful, had become deſpicable in the eyes of its allies, and of all foreign nations. The revenues of the Crown had been anticipated; the navy had ſunk to nothing; the ſoldiers had deſerted for want of pay; and the empire had been inſulted on every ſide by the neighbouring potentates.

Such was the State of Spain, a power that had formerly given law to all Europe, when Charles the Second ſigned the Augſburgh League, and declared war againſt France, in hopes of being aſſiſted by his allies in ſaving a remnant of the Empire.

State of Sweden.

Sweden, known only by name to the reſt of Europe, began, about the beginning of the Seventeenth century, to be known by its arms, and to have a certain weight in all public treaties. Arts and ma-

nufactures were eſtabliſhed; navigation, commerce, and agriculture, began to flouriſh; and the genius of the nation ſeemed to be turned to war and conqueſt.

The plan of policy adopted by the great Guſtavus Adolphus was, the reduction of the power of the houſe of Auſtria, the extenſion of territory and of influence in the ſcale of Europe. Guſtavus purſued this plan with great ardour and amazing ſucceſs. His friendſhip was courted by France, as a proper balance to the power of Auſtria; Charles, king of England, flattered himſelf with the hopes of recovering the Palatinate to the elector, his brother in law, by the force of his arms; and the Proteſtants of Germany conſidered him as the protector and aſſerter of their religion and liberty, oppreſſed by the pride and bigotry of the houſe of Auſtria. Supported by the Proteſtant Princes of Germany, ſtrengthened by ſubſides from France, and reinforced with ſix thouſand Engliſh and Scotch auxiliaries, Guſtavus, at the head of an army of ſeventy thouſand Veterans, accomodated with the fineſt train of artillery* at that time in Europe, and ſupported by a fleet of ſeventy ſail, invaded the Empire, in order to humble the power of Auſtria, and acquire more weight in the ſcale of Europe.

The generals of this hero, whoſe whole life was one continued ſeries of victory, were diſtinguiſhed by their genius and valour; and his troops, by a ſucceſſion

* It exceeded 260 pieces of heavy battering cannon.

ſucceſſion of ſevere campaigns in Ruſſia, Finland, and Livonia, had become the beſt diſciplined and moſt warlike in Europe. The Emperor's veteran troops, commanded by the moſt celebrated generals, of the age, accuſtomed to victory, and deemed invincible, were, after many glorious efforts to ſuſtain their reputation, obliged to yield to the ſuperior conduct and valour of Guſtavus.

This hero carried his victorious arms over a great part of Germany; and had he ſurvived the ſignal victory obtained at Lutzen, he would probably have put a period to the Auſtrian greatneſs. The generals, whom he left behiud him, during the minority of his daughter Chriſtina, maintained the glory of the Swediſh arms with moſt aſtoniſhing valour and ſucceſs. While France extended her conqueſts to the Rhine, the Swedes penetrated into the heart of the hereditary dominions of the houſe of Auſtria. After a ſeries of victories obtained by her invincible troops, and the reduction of above a hundred towns in the Empire, Chriſtina, and her powerfully ally Lewis the Fourteenth, dictated the peace of Weſtphalia, which put a period to a war of thirty years, the moſt ſignal, and moſt deſtructive, which had appeared in modern annals. By this treaty, the rights, privileges, and authority of the ſeveral members of the Germanic body were fixed and aſcertained: Sovereign princes, and free States, were, in ſome degree, reduced to obedience under laws: The young elector Palatine was reſtored to part of his dignities and of his dominions: And the Duchies

of

of Bremen and Verden, all the upper Pomerania, part of the lower, the city of Wiſmar, and the iſland of Rugen, were aſſigned to Sweden. Theſe acquiſitions ſecured to Sweden a free entrance into Germany, gave her great weight in the balance of Europe, and attached her for ever to France. Thus the great project of Guſtavus Adolphus and Lewis the Fourteenth, with reſpect to reducing the exorbitant power of the houſe of Auſtria, was moſt effectually executed. Such was the State of Sweden, and the importance which ſhe had acquired in the ſcale of Europe, upon her acceding to the confederacy formed for retrenching the growing power of Lewis the Fourteenth.

State of the United Provinces.

The Dutch, having thrown off the oppreſſive yoke of Spain, were, about the beginning of the ſeventeenth century, acknowleged by all Europe to be an independent State. From this period to the peace of Nimeguen, this Republic, by invariably purſuing the maxims of induſtry, frugality, and avidity, had obtained the higheſt pitch of grandeur and glory. They had expelled the Portugueſe from almoſt all their ſettlements in the Eaſt Indies; and impatient to have the ſole poſſeſſion of the ſpice trade, they had maſſacred all the Engliſh in the iſland of Amboyna. They had engroſſed almoſt the whole trade of India, and

and become carriers to all the powers on the Continent. Amſterdam was become the emporium of Europe, and the richeſt city in the univerſe: Holland alone contained three millions of ſouls, and all the other provinces were proportionably populous. Owing to their enterpriſing ſpirit, and extenſive commerce, the Dutch had acquired a formidable navy, commanded by Admirals of great abilities, and had contended with the maritime powers for the empire of the ſea.

This people, lately poor villagers, now the High and Mighty States, had miniſters and conſuls at China, Siam and Bengal, at the courts of the Great Mogul, the King of Perſia, the Khan of Tartary, the Grand Seignior, the Czar of Muſcovy, and the Princes of Africa. They were conſidered as an important weight in the ſcale of Europe, and no treaty was concluded without their ambaſſadors. By their policy and addreſs, they had rendered their auxiliaries principals in a war undertaken to ſave them from deſtruction. And when all the powers, who had ſtood up in their defence, had been loſers by the war, the Dutch had gained a barrier by the treaty of Nimeguen. The populace had tore in pieces the De Witts, too virtuous citizens; and had, in a manner, compelled the States to make the dignities of Stadtholder, Captain-General, and High Admiral, hereditary in the Family of Orange.

Such was the ſtate of Europe, and ſuch was the power and importance of the united Provinces, when the Prince of Orange, whoſe ruling paſſions were the

love

love of war and animoſity againſt France, exerted his utmoſt abilities to form a league againſt Lewis the Fourteenth, to eſtabliſh the power of his own family, to augment the grandeur of a republic formed by his anceſtors, and reſcued out of ſlavery by their victorious courage. But while England remained under the government of James, William deſpaired of forming a league, which would be able, with any probability of ſucceſs, to make oppoſition againſt that powerful Monarch. †

As long as Mary, the Princeſs of Orange, who had been bred a Proteſtant, was heir apparent to the throne, the Prince was afraid of hazarding, by his invaſion, an inheritance which the laws enſured to the Princeſs. But when a young Prince was born, that entirely excluded his hopes by ſucceſſion, he lent more attention to the complaints of the nation. He plainly ſaw that James had incurred the moſt violent hatred of his ſubjects. He was minutely informed of their diſcontents; and by ſeeming to diſcourage, ſtill rather increaſed them. He gave Dykvelt, his convoy at London, inſtructions to apply in his name to every ſect and denomination in the kingdom. Dykvelt executed his commiſſion with ſuch dexterity, that all orders of men caſt their eyes towards Holland,

† Notwithſtanding that the humbling the power of France was, at the cloſe of the ſeventeenth century, the ruling paſſion of almoſt all the powers of Europe, yet every ſtate at enmity with her, had particular views of its own, which, together with the union and ſtrength of the French Monarchy, defeated every plan of confederacy formed againſt Lewis the Fourteenth. But ſuch is the inſtability of all worldly grandeur, that, at the preſent period, the internal diſſentions and inſurrections of that once mighty kingdom are alone ſufficient, without the aid of foreign force, to annihilate her power for ages in the ſcale of Europe.

land, and expected from thence a deliverance from thoſe dangers, with which their religion and liberty were ſo nearly threatened. And Zuyleſtein, who had been ſent over to congratulate the deluded James on the birth of his ſon, brought back to the Prince of Orange formal invitations, from moſt of the great men in England, to aſſiſt them, by his arms, in the recovery of their laws and liberty.

The people of England, though long divided between Whig and Tory, were unanimous in their meaſures againſt the King. The Whigs hated him upon principles of liberty, the Tories upon principles of religion. The former had ever ſhown themſelves tenacious of their political rights; the latter were equally obſtinate in defence of their religious tenets. James had invaded both; ſo that for a time all factions were laid aſleep in England; and rival parties, forgetting their animoſity, had ſecretly concurred in a deſign of reſiſting their unhappy and miſguided Sovereign.

William, determined to accept of the invitations of the Engliſh, had made conſiderable augmentations to the Dutch navy; the States had given him their entire confidence; and many of the neighbouring Princes, with whom he held conferences, marched down their forces for the defence of Holland during the abſence of the Prince. All the powers on the continent were in motion either to attack Lewis, or to ſupport William. All Europe ſaw and expected the deſcent, except James himſelf, who, ſecure in

the piety of his intentions, thought nothing could injure his ſchemes calculated to promote the cauſe of heaven.‖

The prince of Orange embarked with a fleet of 500 veſſels, and an army of above 14,000 men; on pretence of reſtoring Church and State to their due rights; and landing in the weſt of England on the fifth of November 1688, he was ſoon joined by a number of noblemen and gentlemen, who ſigned an aſſociaton, in order to aſſiſt and defend his Highneſs. By the time he reached London, the defection of James's Proteſtant ſubjects became general throughout the kingdom. Even his own daughter the Princeſs Anne, and her huſband George, Prince of Denmark, by the advice of that monſter of ingratitude Churchill, left him and joined the Prince of Orange, who ſoon diſcovered that he expected the Crown.

James, unable to reſiſt the torrent, preſerved not preſence of mind in yielding to it; but ſeemed in this emergence as much depreſſed with adverſity, as he had before been vainly elated by proſperity. He might ſtill have reigned; but he hearkened to imprudent counſel, by which he was prompted to deſert

‖ Lewis conveyed the intelligence to James; and accompanied the information with an important offer. He was willing to join a ſquadron of French ſhips to the Engliſh fleet; and to ſend over any number of troops, which James ſhould judge requiſite for his ſecurity. When this propoſal was rejected, he again offered to raiſe the ſiege of Philipſburgh, to march his army into the Netherlands, and by the terror of his arms to detain the Dutch forces in their own country. By the advice of Sunderland, this propoſal was likewiſe rejected.—The fate of the Houſe of Stuart was pre-determined; and no human power could either prevent or protract its fall.

ſert the throne, and to gratify his enemies beyond what their fondeſt hopes could have promiſed them. The Prince was determined to puſh the infatuated King, who was both his father in law and uncle, into that meaſure, which, of himſelf, he ſeemed ſufficiently inclined to embrace. James having ſent the Lord Feverſham to the Prince, deſiring a conference for an accomodation in order to the public ſettlement, that noblemen was put in arreſt, under pretence of his coming without a paſsport; the Dutch guards were ordered to take poſſeſſion of Whitehall, where the King then reſided, and to diſplace the Engliſh: And Halifax brought a meſſage from William, which he delivered to the King in bed after midnight, ordering him to leave his palace next morning, and to depart for Ham, a ſeat of the Ducheſs of Lauderdale's. He deſired permiſſion, which was eaſily granted, of retiring to Rocheſter, a town near the ſea coaſt.

Inſtead of offering to reſign his Crown, under ſuch limitations as might be deemed neceſſary, in favour of his innocent and infant ſon, or placing himſelf at the head of thoſe troops, who ſtill remained faithful to him, and ſhowing by his valour that he was not deſtitute of every virtue requiſite to ſupport a throne, James privately embarked on board a frigate that waited for him; and arriving at Ambleteuſe in Picardy, he haſtened to St Germains. Lewis received him with generoſity, ſympathy, and regard; a conduct which, more than his ſignal victories, contributes to the honour of that great Monarch.

James having thus deſerted the throne, and left the kingdom, the Peers and Biſhops, the only branch of the legiſlature in being, addreſſed the Prince to ſummon a Convention by circular letters; and to aſſume, in the mean time, the management of all public affairs. But unwilling to act upon an authority, which might be deemed ſo imperfect, he convened all thoſe members who had ſat in the Houſe of Commons during any Parliament of Charles the Second; and to theſe were added the Mayor, Aldermen, and fifty of the Common Council of London. This was regarded as the moſt proper repreſentative of the people, which could be ſummoned during the preſent emergence. They unanimouſly voted the ſame addreſs with the Lords: And the Prince being thus ſupported by all the legal authority which could poſſibly be obtained in this critical juncture, wrote circular letters to the counties and corporations of England; and his orders were univerſally complied with.

When the Houſe of Commons met, which chiefly conſiſted of the Whig Party, they immediately proceeded to the ſettlement of the Government, and paſſed a vote by a great majority, which was ſent up to the Houſe of Lords for their concurrence. It was contained in theſe words: "That King James the Second, having endeavoured to ſubvert the Conſtitution of the kingdom, by breaking the original contract betwixt King and people; and having, by the advice of Jeſuits and other wicked perſons, violated the fundamental laws, and withdrawn himſelf out of

of the kingdom, has abdicated the Government, and that the throne is thereby become vacant." This vote, when carried to the Upper Houſe, met with great oppoſition.

The Tories and the High Church party, though generally determined to oppoſe the King's return, reſolved not to conſent to dethroning him, or altering the line of ſucceſſion. A Regent with kingly power was the expedient which they propoſed.

In favour of this ſcheme the Tories urged, that, by the uniform tenor of the Engliſh laws, the title to the Crown was ever regarded as ſacred, and could, on no account, and by no maladminiſtration, be forfeited by the Sovereign: That to dethrone a King and to elect his ſucceſſor, was a practice quite unknown to the Conſtitution, and had a tendency to render kingly power entirely dependent and precarious: That where the Prince, from his tender years, from lunacy, or from other natural infirmity, was incapacitated to hold the riens of Government, both the laws and former practice agreed in appointing a Regent, who, during the interval, was inveſted with the whole power of the adminiſtration. That the inveterate and dangerous prejudices of King James had rendered him as unfit to ſway the Engliſh ſceptre, as if he had fallen into lunacy; and it was therefore natural for the people to have recourſe to the ſame remedy: That the election of one King was a precedent for the election of another; and the Government, by that means, would either degenerate into a Republic, or what was worſe into a turbulent and

ſeditious

ſeditious Monarchy: That the caſe was ſtill more dangerons, if there remained a Prince, who claimed the Crown by right of ſucceſſion, and diſputed, on ſo plauſible a ground, the title of the preſent Sovereign. That though the doctrine of non-reſiſtance might not, in every poſſible circumſtance, be abſolutely true, yet was the belief of it very expedient; and to eſtabliſh a Government, which ſhould have the contrary principle for its baſis, was to lay the foundation of perpetual revolutions and convulſions: That the appointment of a regent was indeed expoſed to many inconveniencies; but ſo long as the line of ſucceſſion was preſerved entire, there was ſtill a proſpect of putting an end, ſome time or other, to the public diſorders: And that ſcarcely an inſtance occurred in hiſtory, eſpecially in the Engliſh hiſtory, where a diſputed title had not, in the iſſue, been attended with much greater ills, than all thoſe which the people had ſought to ſhun, by departing from the lineal ſucceſſor.

The leaders of the Whig party, on the other hand, aſſerted, that, if there was any ill in the precedent, that ill would reſult as much from eſtabliſhing a regent, as from dethroning one King, and appointing his ſucceſſor; nor would the one expedient, if wantonly and raſhly embraced by the people, be leſs the ſource of public convulſions than the other. That if the laws gave no expreſs permiſſion to depoſe the Sovereign, neither did they authoriſe reſiſting his authority, or ſeparating the power from the title: That a regent was unknown, except where the King,

by

by reaſon of his tender age or infirmities, was incapable of a will; and in that caſe, his will was ſuppoſed to be involved in that of the regent: That it would be the height of abſurdity to try a man for acting upon a commiſſion, received from a Prince, whom we ourſelves acknowledge to be the lawful ſovereign; and no jury would decide ſo contrary both to law and common ſenſe, as to condemn ſuch a pretended criminal: That even the proſpect of being delivered from this monſtrous inconvenience was, in the preſent ſituation of things, more diſtant than that of putting an end to a diſputed ſucceſſion: That allowing the young Prince to be the legitimate heir, he had been carried abroad; he would be educated in principles deſtructive of the conſtitution and eſtabliſhed religion, and he would probably leave a ſon, liable to the ſame inſuperable objection: That if the whole line were cut off by law, the people would in time forget or neglect their claim; an advantage, which could not be hoped for, while the adminiſtration was conducted in their name, and while they were ſtill acknowledged to poſſeſs the legal title: And that a nation, thus perpetually governed by regents or protectors approached, much nearer to a republic than one ſubject to monarchs, whoſe hereditary regular ſucceſſion, as well as preſent authority, was fixed and appointed by the people.

This queſtion was agitated with great zeal by the oppoſite parties in the Houſe of Peers. The chief ſpeakers among the Tories were Clarendon, Rocheſter, and Nottingham; among the Whigs, Halifax and

and Danby. The queſtion was carried for a King by two voices only, fifty one againſt forty nine. All the prelates, except two, the Biſhops of London and Briſtol, voted for a regent.

The Houſe of Peers proceeded to examine, piecemeal, the vote ſent up to them by the Commons. They debated, "Whether there was an original contract between King and people?" and the affirmative was carried by fifty three againſt forty ſix; a proof that the Tories were already loſing ground. The next queſtion was, "Whether King James had broken that original contract?" and after a ſlight oppoſition, the affirmative prevailed. The Lords proceeded to take into conſideration the word, *abdicated*; and it was carried that *deſerted* was more proper. The concluding queſtion was, "Whether King James having broken the original contract, and *deſerted* the Government, the throne was thereby vacant?" This queſtion was debated with more heat and contention than any of the former; and upon a diviſion, the Tories prevailed by eleven voices, and it was carried to omit the laſt article, with regard to the vacancy of the throne. The vote was ſent back to the Commons with theſe amendments.

The Earl of Danby had entertained the project of beſtowing the Crown ſolely upon the Princeſs of Orange, and of admitting her as legal ſucceſſor to King James: Paſſing by the infant Prince as illegitimate or ſuppoſititious. His change of party in the laſt queſtion gave the Tories ſo conſiderable a majority in the number of voices.

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The Commons ſtill inſiſting on their vote, a free conference enſued between them and the Lords. The managers for the Peers, in conſiſtency with the principles of hereditary nobility, argued, "That, even allowing the King's abuſe of power to be equivalent to an abdication, or in other words, to a civil death, it could operate no otherwiſe than his voluntary reſignation, or his natural death, and could only make way for the next ſucceſſor. It was a maxim of the Engliſh law, *that the throne was never vacant;* but inſtantly, upon the demiſe of one King, was filled with his legal heir, who was entitled to all the authority of his predeceſſor. And however young or unfit for Government, the ſucceſſor, however unfortunate in his ſituation, though he were even a captive in the hands of public enemies; yet no juſt reaſon, they thought, could be aſſigned, why, without any default of his own, he ſhould loſe a crown, to which, by birth, he was fully entitled." Reaſoning on a candid interpretation of the laws of ſucceſſion, received by us, theſe arguments were invincible. The ſon of James was the natural heir to the throne of his anceſtors; and before it could devolve on another, a requiſition of the ſon ought to have been made to the father.

As no immediate agreement was like to take place between the contending parties in their political diſcuſſions, the Prince, who had hitherto forbore to interfere, deigned at length to communicate his ſentiments. "Calling together Halifax, Shrewſbury, Danby, and a few others, he told them, that having

been invited over to reſtore their liberty, he had engaged in this enterpriſe, and had at laſt happily effected his purpoſe. That it belonged to the Parliament, now choſen and aſſembled, with freedom, to concert meaſures for the public ſettlement, and he pretended not to interpoſe in their determinations. That he had heard of ſeveral ſchemes propoſed for eſtabliſhing the Government: Some inſiſted on a regent: Others were deſirous of beſtowing the Crown on the Princeſs: It was their concern alone to chooſe the plan of adminiſtration moſt agreeable or advantageous to them. That if they judged it proper to ſettle a regent, he had no objection. He only thought it incumbent on him to inform them, that he was determined not to be the regent, nor ever to engage in a ſcheme, which, he knew, would be expoſed to ſuch inſuperable difficulties. That no man could have a juſter or deeper ſenſe of the Princeſs's merit than he was impreſſed with; but he would rather remain a private perſon than enjoy a Crown, which muſt depend on the will or life of another. And that they muſt therefore make account, if they were inclined to either of theſe two plans of ſettlement, that it would be totally out of his power to aſſiſt them in carrying it into execution: His affairs abroad were too important to be abandoned for ſo precarious a dignity, or even to allow him ſo much leiſure as would be requiſite to introduce order into their diſjointed Government." While the nation was threatened with domeſtic commotion and foreign invaſion, it is eaſy to foreſee what muſt have been the

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effect of ſuch a declaration, which under the maſk of patriotiſm, and elevated ſentiment, is obviouſly calculated to intimidate.* The defection of Danby and ſome of his friends to the Orange party, decided the diſpute in favour of William, who ſtill ſtands accuſed "of having ſacrificed to his ambition the punctilios of honour and decorum, in depoſing his own father-in-law and uncle, and in depriving his brother-in-law and couſin of his birth-right.†"

All parties being at laſt agreed, the Convention paſſed a bill, in which they ſettled the Crown on the Prince and the Princeſs of Orange, the ſole adminiſtration to remain in the Prince: The Princeſs of Denmark to ſucceed after the death of the Prince and Princeſs of Orange; her poſterity after thoſe of the Princeſs, but before thoſe of the Prince by any other wife. The Convention annexed to this ſettlement of the Crown a declaration of rights, where all the points, which had, of late years, been diſputed between King and people, were finally determined; and the powers of Royal prerogative were more narrowly circumſcribed, and more exactly defined, than in any former period of the Engliſh Government.

The Revolution forms a new epoch in our ſyſtem of Government, and has eſtabliſhed that noble and

* Salmon and ſome other writers obſerve, "That the Prince refuſed to accept the Crown, unleſs the power, as well as the name of King, was conferred upon him: inſiſting that the Princeſs ſhould have no ſhare in the Government; and if they would not yield to this, he threatened to return to Holland, and leave them to the mercy of their exaſperated Prince; which ſoon ſilenced all his oppoſers in the debates concerning the abdication.

† See Smollet's hiſtory.

juſt principle, a conditional contract between the Prince and the People, as it always hath been, and ſtill is, between the repreſentative and collective bodies of the nation. "If the Prince, who ſways the Sceptre, violate the laws, and perſiſt in uſurping on the liberty of the People, and if he prove deaf to the voice of his Parliament and his people, there remains no remedy in the ſyſtem of the Government. The Conſtitution is broken by the obſtinacy of the Prince, and the people muſt appeal to heaven in this, as in all other caſes, where they have no other Judge on earth."† Thus when the arbitrary and inſupportable encroachments of the infatuated James aimed ſo viſibly at the ſubverſion of the Conſtitution, and the introduction of abſolute Monarchy; neceſſity and ſelf-preſervation, the great laws of nature, authoriſed the Convention Parliament, which conſiſted of the Lords Spiritual and Temporal, and the repreſentatives of the people, to ſettle the Government. James having deſerted his throne, and departed the kingdom, rather than wait the reſolution of a free Parliament, and ſubmit to ſecure effectually the rights of the people, and the obſervation of the laws; the Lords and Commons, therefore, declared the throne vacant, excluding the miſguided Prince, and his immediate deſcendants; yet they re-eſtabliſhed the Conſtitution, and declared the Monarchy hereditary in another family.

Upon this great event I ſhall give the reader the ſentiments of Mr Fox, a gentleman of incorruptible principles

† Locke's Eſſay on Government.

principles and unrivalled abilites. In one of his ſpeeches in the Houſe of Commons, during the laſt ſeſſion of Parliament, he aſſerted, "That the people are the ſovereigns in all countries, that they might amend, alter, and aboliſh the form of Government under which they lived, at pleaſure. That they might caſhier their Monarchs for miſconduct. James the Second was caſhiered. The people elected William, not only in oppoſition to the rights of deſcent inherent in James, but in oppoſition to the rights of his ſon and daughter. They elected the Houſe of Brunſwick, not an individual member of that family, but the whole dynaſty. It was clear, therefore, that the preſent family enjoyed the throne from the ſovereignty of the people. Entertaining, therefore, thoſe opinions, he could not accede to that poſition of Mr Burke, that though they poſſeſſed the ſovereignty before the Revolution, they did not poſſeſs it afterwards. It was always inherent in them, and thoſe who lived at the Revolution had no power to ſurrender that ſovereignty which they exerciſed, and to deprive poſterity of it. He had been led, he ſaid, into this digreſſion by thoſe who had in ſo general a manner reprobated all the principles of French legiſlation." He concluded his ſpeech with the following juſt obſervation: "If there were any, who, from prejudice or error, diſliked Monarchy, ſuch a diſlike had been undoubtedly occaſioned by thoſe who had removed it from the ſolid foundation on which it ought to ſtand, and had placed it on the flimſy foundation

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of ſuppoſed rights, ſeparated from the rights of the people."

CHAP. XVIII.

Retroſpect of the Improvements made in the Conſtitution, during the reign of the Stuart Family—State of the Government at the Revolution—The Septennial Act—The partial Repreſentation of the People—The Eſtabliſhment of the Civil Liſt—The increaſe of the Public Revenue—The accumulation of the National Debt—The augmentation of the Army and Navy—The Patronage of India—Their effects—Advantages of Triennial Parliaments and an Equal Repreſentation.

In reviewing the period of the Engliſh hiſtory during the reign of the Stewart Family, the reader will perceive the great improvements made in the Conſtitution. At the acceſſion of that Houſe, reaſon was extending her influence, and diſcovering to mankind a thouſand errors in religion, and in Government, that had long been reverenced by blind ſubmiſſion. The reformation had produced a ſpirit of liberty,

liberty, as well as of inveſtigation, among all ranks of mankind, and taught them that no precedents could ſanctify fraud, tyranny, or injuſtice. During the reign of James the firſt, the houſe of Commons began to feel themſelves of importance in the Government, and not only to aſſert and ſecure their own rights and privileges, but to oppoſe the ancient claims of Monarchs, which, though founded on cuſtom, were deſtructive of freedom.

During the reigns of Charles the firſt and ſecond, we ſee a continual ſtruggle between the Crown and the Commons. We ſee genius and courage united in aſcertaining and eſtabliſhing the inherent rights and privileges of the people, and in circumſcribing, within more narrow, as well as more exact bounds, the exorbitant prerogative of the Sovereign.

The liberty of the ſubject was ſecured by the Petition of Right; by aboliſhing all the arbitrary courts of law, particularly thoſe of the High Commiſſion and Star Chamber, and by reducing others within their due bounds. The Judges patents were granted during their good behaviour: A circumſtance of the greateſt moment towards ſecuring their independency, and barring the entrance of arbitrary power into the ordinary courts of Judicature. The Habeas Corpus Bill, that Palladium of Britiſh liberty, which preſerves the perſon of the ſubject from the power of the Prince, was rendered complete and finally eſtabliſhed. This law ſeems neceſſary for the protection of liberty in a mixed Monarchy; and as it has not place in any other ſyſtem of Government,

ment, this conſideration alone may induce us to prefer our preſent Conſtitution to all others.

The ſale of the laſt remains of the demeſnes of the Crown, by which the ancient Kings of England had been ſupported, rendered the Sovereign entirely dependent on the people, for maintaining the royal dignity. The Triennial Act, paſſed in the reign of William the third, was an effectual bar againſt long, and conſequently, corrupt Parliaments, and not only ſtripped the Crown of an uſurped prerogative, which had been productive of the greateſt evils to the nation, but eſtabliſhed a perpetual ſucceſſion of Parliaments, as everlaſting guardians to the laws; while the Sovereign poſſeſſed no independent power or military force, by which he could be ſupported in his invaſion of them.

By the eſtabliſhment of the Great Charter of liberties, by the reſtoration of the elective power of the people, by the improvements in the Conſtitution during the reign of the Stewart Family, by the Triennial Act and the Bill of Rights in that of William the third; the rights and privileges of the people were aſcertained and eſtabliſhed; the authority of the Prince was exactly defined and limited; and thoſe prerogatives deſtructive of public liberty, which the unfortunate James had uſurped, were retrenched from the Crown; and all the executive power that was thought neceſſary to be continued in the government, was left in the hands of the Sovereign, as a ſacred *depoſitum* for the benefit

benefit of the people. In fine, the power of the Crown was, at the Revolution, acknowledged to flow from the people; and the Sovereign and the ſubject were reſpectively taught to bow in obedience to laws, which ſecured the juſt authority of the one, while they protected the liberties and immunities of the other.

Thus the plan of our Government, as re-eſtabliſhed at that memorable æra, was intended to fix and preſerve ſo juſt a proportion of the Monarchic, Ariſtocratic, and Democratic powers, by their Repreſentatives, King, Lords, and Commons; that any two of thoſe powers might be able jointly to give a check to the other, but not to deſtroy it, a meaſure which muſt neceſſarily induce a different ſyſtem of Government.

Notwithſtanding this is the baſis of the Britiſh Conſtitution, the duration of which muſt abſolutely depend upon the juſt equilibrium preſerved between the three branches of the legiſlature; yet ſoon after the Revolution we began to recede from the original principles of our Government; the Houſe of Commons began to uſurp a power of reſtraining the exerciſe of the elective power of the people, which is the foundation of all their liberties; and, by paſſing the Septennial Act, hath not only ſwelled beyond its conſtitutional bounds, but infringed the rights of the People.

This Bill, aided by the partial Repreſentation of the people in Parliament, the eſtabliſhment of the civil Liſt, the increaſe of the Public Revenue, the ac-

cumlation of the National debt, the augmentation of our Naval and Military eſtabliſhments, and the immenſe patronage derived from our extenſive dominions in the Eaſt Indies, hath given a power, unknown in former times, to the Miniſtry: A power that, when ſtrengthened by luxury and an univerſal profligacy of manners, may prove more dangerous to the Conſtitution and to the liberties of the ſubject, than thoſe prerogatives formerly poſſeſſed, or claimed, by the Crown.

The Septennial Act was entailed upon us by the Whig Miniſtry, in the reign of George the firſt, under the pretext of providing for the diſtemper of the times, but in reality to eſtabliſh and perpetuate their dominion over the Tory Party. They did not conſider, as a celebrated Author obſerves, "That the power they were raiſing would ſoon be the power of a Prince or Miniſter, and not that of a party."

The Patriots, in the Houſe of Peers, who oppoſed this Bill, juſtly obſerved, "That frequent Parliaments were required by the fundamental Conſtitution of of the kingdom, aſcertained in the practice of many ages: That the members of the Lower Houſe were choſen by the people for a certain term of years, at the expiration of which they would be no longer the repreſentatives of the people, who, by the Parliaments protracting its own authority, would be deprived of the only remedy which they have againſt thoſe, who, through ignorance or corruption, betrayed the truſt repoſed in them: That the reaſons in favour of ſuch a bill were weak and frivolous: That with reſpect

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to foreign alliances, no Prince or State would reaſonably depend upon a people to defend their liberties, who ſhould be thought to have given up ſo great a part of their own: Nor would it be prudent in them to wiſh for a change in that Conſtitution, under which Europe had of late been ſo powerfully ſupported. On the contrary, they might be deterred from entering into any engagements with Great Britain; when informed by the preamble of the bill, that the Popiſh faction was ſo dangerous as to threaten deſtruction to the Government. They would apprehend that the adminiſtration was ſo weak as to want ſo extraordinary a proviſion for its ſafety: That the Gentlemen of Britain were not be truſted: And that the good affections of the people were reſtrained within the limits of the Houſe of Commons.

"They affirmed that this bill, far from preventing the expence of election, would rather increaſe it, and encourage every practice of corruption: for the value of a ſeat would always be in proportion to the duration of a Parliament; and the purchaſe would riſe accordingly. That a long Parliament would yield a greater temptation, as well as a better opportunity, to a vicious miniſtry, to corrupt the members, than they could poſſibly have when the Parliaments were ſhort and frequent; that the ſame reaſons urged for paſſing the bill to continue this Parliament for ſeven years, would be at leaſt as ſtrong, and by the conduct of the miniſtry, might be made much ſtronger before the end of that term, for continuing and even perpetuating their legiſlative power,

to the abſolute ſubverſion of the third eſtate of the realm." Notwithſtanding theſe arguments were conſtitutional and unanſwerable, the bill paſſed by a great majority; but not without a very ſtrong proteſt, which was ſigned by thirty Lords. The bill was ſent down to the Commons, who likewiſe paſſed it; though, among a thouſand forcible arguments which were urged againſt it, Mr Snell ſubmitted the following to their conſideration, "The right of electing Repreſentatives in Parliament, is inſeparably inherent in the people of Great Britain, and can never be thought to be delegated to the repreſentatives, unleſs you make the elected the elector, and, at the ſame time, ſuppoſe it the will of the people, that their repreſentatives ſhould have it in their power to deſtroy thoſe who made them, when a miniſtry ſhall think it fit to ſkreen themſelves from their juſt reſentments. This would be to deſtroy the fence of all their freedom; for if we have a right to continue ourſelves for one year, one month, or day, beyond our triennial term, it will unavoidably follow, we have it in our power to make ourſelves perpetual.

"To ſay that the paſſing this bill is not to graſp to ourſelves the right of elections, but only to enlarge the time of calling new Parliaments, is a manifeſt fallacy: For whenever our three years are expired, we can no longer be ſaid to ſubſiſt by the choice of the people, but by our own appointments: And 'tis a jeſt to tell me I have a right to that, which another hath a right to take from me. For theſe reaſons I cannot approve of this bill, I think it an

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open violation of the people's liberties; or to ſpeak moſt mildly of it, a breach of our truſt in that part which will moſt ſenſibly affect them; and of that ill tendency in its conſequence, that as nothing but the ſecurity of the miniſtry can make it, at this time, needful, ſo nothing but a ſtanding force can make it laſting."

But this worthy member pleaded in vain, as did many others; the fate of the bill was predetermined, and, when ¶ paſſed, it was ſubmitted to; though the whole people had a right to proteſt againſt it, both in behalf of themſelves and their poſterity.

Major Cartwright makes the following remarks on the Septennial act: "There is not a more dangerous doctrine can be adopted, in our State, than to admit that the legiſlative authority hath any right to alter the firſt principles of our Conſtitution, by acts of Parliament. Upon this foundation they may mould it into what ſhape they pleaſe; and may, in the end, make us ſlaves by law. The Houſe of Commons are, conſtitutionally, a body of men merely paſſive with regard to their creation, duration, and diſſolution; and therefore have, by no means, any conſent to give to their own duration, even for an hour."

The ſame author adds, "The Septennial Bill hath given an opportunity to five or ſix hundred rich and powerful men, during the ſpace of ſeven years, to diſplay every paſſion that can diſtreſs a Commonwealth, and make the people miſerable; ſuch as avarice

¶ By 264 againſt 121.

avarice, pride, malice, envy, and a love of power, which will always actuate eſtabliſhed bodies in Government, ſo long as men are men.

" And while places, penſions, contracts, and other emoluments from the public Treaſury, are attainable by members of the Houſe of Commons, they will be in danger of putting all thoſe paſſions in motion, and of propagating perpetual miſchiefs. A combination of theſe motives actuating the conduct of rich and powerful parties and factions, formed and united together for their private intereſt, may obſtruct the wheels of Government to ſuch a degree, as to throw the whole nation into confuſion, in order to force themſelves into offices of profit, truſt and power, in the adminiſtration. By which means the executive, and legiſlative authority, which our Conſtitution hath ſo carefully divided, may be confounded together, by being in the hands of the ſame men. Under this circumſtance, the people of England would be reduced to the ſame condition as the fiſh in the ſea; where the greater are continually devouring the leſs."

In all limited Governments, there are fundamentals which the legiſlative power cannot alter; the rights and privileges of the people being one of theſe fundamentals among the inhabitants of Great Britain, no power can legally take them away, without the conſent of every perſon who has a right to elect, and be repreſented in Parliament. " The legiſlative, as Mr Locke juſtly obſerves, is, in our Conſtitution, a ſupreme, and may be called, in one ſenſe, an abſolute,

lute, but in none, an arbitrary power. It is limited to the public good of ſociety. It is a power that hath no other end but preſervation, and therefore can never have a right to deſtroy, enſlave, or deſignedly impoveriſh the ſubjects; for the obligations of the law of nature ceaſe not ſociety."

Monteſquieu, in his ſpirit of Laws, after having explained the principles of the Britiſh Conſtitution, adds, "As all things have an end, the State we are ſpeaking of will loſe its liberty; it will periſh. Have not Rome, Sparta, and Carthage, periſhed. It will periſh when the legiſlative power ſhall be more corrupted than the executive." Without doubt, ſooner or later, the Britiſh Empire muſt experience a ſimilar fate to all thoſe mighty States and Empires that have preceded her. When the integrity of Parliament, that palladium which protects her, is once removed, ſhe will then become an eaſy prey to her enemies. "Parliaments, ſays Bolingbroke, are the true guardians of liberty. For this principally they were inſtituted; and this is the principal article of that great and noble truſt, which the collective body of the people of Great Britain repoſes in the repreſentative. But then no ſlavery can be ſo effectually fixed upon us, as Parliamentary ſlavery. By the corruption of Parliament, and the abſolute influence of a King, or miniſter, on the two Houſes, we return in that ſtate to deliver or ſecure us from which Parliaments were inſtituted, and are really governed by the abſolute will of one man. Our whole

whole Conſtitution is at once diſſolved. Many ſecurities to liberty are provided; but the integrity, which depends on the freedom and independency of Parliament, is the key-ſtone that keeps the whole together. If this be ſhaken, our Conſtitution totters. If it be quite removed, our Conſtitution falls into ruin."

In order therefore to ſecure the independence of Parliament againſt corruption, for it is no longer in danger of being awed by prerogative; to do juſtice to an injured people; and to draw the Conſtitution back to the principles on which it was originally founded; the Septennial Bill ought to be repealed, and annual, or at leaſt Triennial Parliaments, re-eſtabliſhed, as they not only form the baſis of our ſyſtem of Government, but are leſs liable to corruption than Septennial Parliaments.

The moſt powerful of the Septennial Bill's auxiliaries, is the partial and unfair repreſentation of the people in Parliament. Beſides the cauſes already aſſigned for the unequal State of our repreſentation, another cauſe ariſes from the decayed Boroughs, which, on account of their poverty, their corruption and venality, are juſtly ſtigmatized with the appellation of—" the rotten part of the Conſtitution." States and empires, as well as cities and towns, are ſubject to decay, by time, by war, and particularly by trade. It is evident, that the decreaſe of commerce and manufactures hath almoſt depopulated many of our ancient and once opulent boroughs, and reduced the number of electors, which

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is one of the greateſt misfortunes that can befal our State.† Many of the Boroughs can ſcarcely be called villages; and numbers are become the property of individuals in the Houſe of Lords, who nominate their repreſentatives; and call ſuch nomination a free election. Thus the elective power of the people hath, with the Boroughs, been gradually falling into decay; while many of the villages, and ſome parts of the open country, that formerly compoſed our rural tithings, have riſen merely by trade into great opulence and magnitude; ſuch as Birmingham, Mancheſter, Leeds, Wakefield, Halifax, Paiſely and many others. From theſe concurring cauſes, there is not, perhaps, one man in ſome thouſands, who is now repreſented in Parliament by a member of his own election.

Mr Locke, in his treatiſe on civil Government, has moſt accurately deſcribed the abſurd ſtate of our repreſentation. "Things of this world, that author obſerves, are in ſo conſtant a flux, that nothing remains in the ſame ſtate. Thus people, riches, trade, power, change their ſtations, flouriſhing mighty cities come to ruin, and prove in time neglected deſolate corners; whilſt other unfrequented

† Mr Burke, in his Reform Bill, ſpeaking of the money annually expended in repairing the ancient Royal palaces, makes the following ſingular and ſtriking remark: "Theſe palaces are a true emblem of ſome Governments; the inhabitants are decayed, but the Governors and Magiſtrates ſtill flouriſh. They put me in mind of Old Sarum, where the Repreſentatives, more in number than the Conſtituents, only ſerve to inform us, that this was once a place of trade, and ſounding with "the buſy hum of men," though now you can only trace the ſtreets by the colour of the corn; and its ſole manufacture is in Members of Parliament."

places grow into populous countries, filled with wealth and inhabitants. But things not always changing equally, and private intereſt often keeping up cuſtoms and privileges, when the reaſons of them are ceaſed, it often comes to paſs, that in Governments where part of the legiſlative conſiſts of repreſentatives choſen by the people, in tract of time this repreſentation becomes very unequal and diſproportionate to the reaſons it was as firſt eſtabliſhed upon. To what groſs abſurdities the following cuſtom, when reaſon has left it, may lead, we may be ſatisfied, when we ſee the bare name of a town, of which there remains not ſo much as the ruins, where ſcarce ſo much houſing as a ſheep cot, or more inhabitants than a ſhepherd is to be found, ſends as many repreſentatives to the Grand Aſſembly of law-makers, as a whole county, numerous in people, and powerful in riches. This ſtrangers ſtand amazed at, and every one muſt confeſs needs a remedy. For it being the intereſt, as well as the intention of the people, to have a fair and equal repreſentative; whoever brings it neareſt to that, is an undoubted friend to, and eſtabliſher of, the Government, and cannot miſs the conſent and approbation of the community. 'Tis not a change from the preſent ſtate, which perhaps corruption or decay has introduced, that makes an inroad upon the Government, but the tendency of it to injure or oppreſs the people, and to ſet up one part, or party, with a diſtinction from, and an unequal ſubjection of the reſt."

I ſhall only quote another authority, that of the Duke of Richmond, upon this head. It will clearly

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ſhow the abſurd State of the repreſentation, and the neceſſity for a Reform.

In his letter to William Frankland, Eſq; High Sheriff of Suſſex, in the year 1783, that noble Duke gives us the following view of the preſent ſtate of election in this country. "I take the grievance of the preſent ſtate of election to be its groſs inequality. All the electors in Great Britain do not amount to one ſixth part of the whole people; and a ſtill greater inequality ſubſiſts in the elections made by that ſixth part; for one ſeventh part of them elect a majority, ſo that one forty ſecond part of the nation diſpoſes of the property of the whole, and has their lives and liberties at command. And this forty ſecond part, far from conſiſting of the moſt opulent part of the kingdom, is compoſed of the ſmall Boroughs, moſt of which are become either the private property of individuals, or are notoriouſly ſold to the beſt bidder; ſo that the counties and great cities are, in fact, as well as the great maſs of the people, ſwallowed up in this ſyſtem of corruption."

The ſtate of the Scotch repreſentation is ſtill more abſurd than that of the Engliſh. The number of electors in ſeveral counties in Scotland, is not greater than in many of the rotten boroughs of England; and as to the diſtrict of boroughs that ſend members to Parliament, the Corporations only, who are ſelf elected, have votes, to the utter excluſion of the fre-holders.

Zeno, in his letters publiſhed in 1783, affirms "That the fifteen repreſentatives for the boroughs of Scotland are choſen by ninety eight electors, and that theſe boroughs, on a moderate computation, are ſuppoſed to contain about 300,000 inhabitants. Thus then it appears, that the electors in the boroughs of Scotland, do not amount to one three thouſand part of the inhabitants."

As the unfair and unequal ſtate of the Repreſentation is a principle univerſally allowed, and incapable of being denied; and as the influence of the Crown on the elected, and that proneneſs to corruption on the part of the electors, have been aſſerted by the leaders of both parties, both in and out of Parliament; a repreſentation commenſurate either to the property, or to the population of the kingdom, is become abſolutely neceſſary, in order to ſecure the independence of Parliament, on which the preſervation of liberty depends, and to give to the people that ſhare in the Government, which their anceſtors enjoyed, and to which they are ſo juſtly entitled. I ſhall conclude this head with a remark of Lord Bolingbroke's, which is very appoſite to the ſubject.

That noble Author obſerves, "That the beſt inſtituted Governments, like the beſt conſtituted animal-bodies, carry in them the ſeeds of their deſtruction; and though they grow and improve for a time, they will ſoon tend viſibly to their diſſolution. Every hour they live is an hour the leſs that they have to live. All that can be done therefore to prolong the duration of a good Government, is to draw it back,

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on every favourable occaſion, to the firſt good principles on which it was founded. When theſe occaſions happen often, and are well improved, ſuch Governments are proſperous and durable. When they happen ſeldom, or are ill improved, theſe political bodies live in pain or in languor, and die ſoon."

In order therefore to give ſtability to the Britiſh Empire, and to ſave it from political annihilation, the Conſtitution muſt be brought back to the principles on which it was originally founded, by the reeſtabliſhment of Annual or Triennial Parliaments, and an Equal Repreſentation of the People. A meaſure, that would tend to reduce the exorbitant power of the Crown; and to leſſen the exceſſive burdens of the ſubject.

Sir William Blackſtone, in his Commentaries, ſpeaking of the power and influence which the Crown hath acquired ſince the Revolution, concludes with obſerving, "That the influence of the Crown had gained ground ſo faſt, as not only to compenſate for the loſs of every prerogative that had been taken away, but had gone ſo far beyond it, that liberty depended on the virtue of the Prince rather than on the virtue of the Conſtitution."

In ſupport of Blackſtone's aſſertion, the teſtimony of the Commons may be quoted, who adopted, not many years ago, the following reſolution. "That the influence of the Crown has increaſed, is increaſing, and ought to be diminiſhed."

It muſt be evident to the candid, the diſintereſted, and the intelligent reader, that the eſtabliſhment

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of the civil liſt, the increaſe of the public revenue, the accumulation of the national debt, the augmentation of the army and navy, and the immenſe patronage of India, have totally deſtroyed the balance of the Government, which ought always to continue ſuſpended in its true equipoiſe.

The public revenue, at the acceſſion of William the Third, amounted to little more than two millions, without any tax on land, or malt, and a multitude of other grievous impoſitions, that have ſince been heaped on the nation. This revenue, beſides ſupporting the honour and dignity of the Crown, defrayed all the other expences of the State. When theſe expences grew, upon extraordinary occaſions, too great for the revenue of the Crown to bear, the people aided the Crown, if they approved the occaſions of the expence.

But as the revenue in former reigns had been often embezzled and miſapplied, a private revenue, or a civil liſt, as it is commonly called, amounting to 600,000 l. a year, was aſſigned to King William for the ſupport of his houſe and dignity; and the reſt of the public money was to be employed, under the inſpection of Parliament, for the current national ſervice of the year. From that time our Kings, inſtead of contributing moſt, have contributed nothing to the public charge; and the people of Great Britain, inſtead of giving occaſional aids to the Crown, have taken upon themſelves the whole load of ordinary and extraordinary expences, for which they annually provide.

Notwithſtanding

Notwithſtanding this alteration in the ſtate of the revenue, and the intereſt of the King and the people, in the management of it, the ſame forms of granting aids to the Crown, of levying taxes, and of managing the public treaſure, have been continued; ſo that the people ſtand obliged (for the Crown, that is truſted with the whole, is bound for nothing) to make good all deficiencies, though they have no ſhare in the management of the revenue.

Owing to this vaſt alteration in the ſtate of the revenue, and to that ſyſtem of corruption which was eſtabliſhed in the reign of King William,† the patriots at that time began to perceive, that the means of exerciſing the undue influence of the Crown in elections was increaſed, and every day increaſing. They began to aſſert that the foundations were laid of giving as great power to the Crown indirectly, as the prerogative which they had formerly dreaded ſo much, could give directly, and of eſtabliſhing univerſal corruption.

Since the reign of King William, the Civil Liſt hath been increaſed at different periods, and for various pretexts, to one million a-year, applicable to the particular expences of the Crown alone. And though the people of this age have a juſt confidence in his preſent Majeſty, yet ſo immenſe a private revenue may become hereafter an inexhauſtible fund of corruption; and therefore the independency of Parliament

† During the third Parliament of William's reign, the Commons ſet on foot an enquiry into their own proceedings, which opened to them a ſcene of iniquity, a-

Parliament muſt be in real danger, till ſome remedies, as effectual againſt the pecuniary influence, as have been found againſt the prerogatives of the Crown, be provided.

Notwithſtanding this immenſe revenue of a million a-year, for the ſupport of the royal dignity, the miniſtry have frequently applied to the Commons for half a million, in order to diſcharge the debts incurred on the Civil Liſt; which, as Mr Burke obſerves,

in compariſon, made the Penſioner Parliament of Charles the Second ſeem innocent; and which was then thought to have arrived at the *ne plus ultra* of corruption. In the year 1698, the following remarkable Paragraphs appeared in the famous Huſh Money Paper, as it was called, publiſhed by John Lawton Eſq;—"Two hundred thouſand pounds a year, beſtowed upon the Parliament, has already drawn out of the ſubjects pockets more millions, than all our Kings, ſince the Conqueſt, have ever had from this nation; and that, without any rude complaint, is a proof, that if a King can manage well Mr Guy's office, he may without much ado, ſet up for Abſolute: *Venalis eſt Anglia*, for *Venale eſt Parliamentum*. Heretofore, indeed, it was not neceſſary only that a Parliament ſhould give, but that they ſhould give reaſonably, as Flammock's rebellion, and others in Henry the Seventh's reign witneſs; and I believe our rolls will not furniſh us with many Seſſions wherein money was given, and no one country bill granted: But our Anceſtors were wiſe enough to inſtruct their members, and our Conſtitution ſo regular, that we had frequent elections.

"The houſe is ſo officered, that by thoſe that have places and penſions, together with their ſons, brothers, and kinſmen, and thoſe who are fed with the hopes of preferment, and the too great influence theſe have upon ſome honeſt, miſtaken country Gentlemen (who are poſſibly over freighted with the French) the King can baffle any bill, quaſh all grievances, ſtifle accounts, and ratify the articles of Lemerik."

"When I find the money the nation gives to defend our liberties from Foreigners abroad, is like to undermine them at home; in a word, when I ſee neither the one nor the other Houſe can withſtand the power of gold; I ſay when I perceive all this, it is time to look about us.

"If the members of Parliament are to overlook all the ill huſbandry of the Government, that they may ſhare in profuſeneſs and bribery of it, if our rights

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ſerves, " muſt ultimately affect national ſtrength and national credit. Theſe debts, therefore, and the augmentations that have been made to the Civil Liſt, have greatly increaſed the influence of the Crown.†

are to be ſet to ſale by ſome, and neglected by others, when the very being of the Government depends upon our being pleaſed; what amendment, what confirmation ſhall we have of our Conſtitution when all our dangers are over? This is a thought deſerves our moſt ſerious reflections."

Vide STATE TRACTS, VOL. 2. p. 369. &c.

The Marquis of Lanſdown, in his ſpeech laſt year, ſhowing the neceſſity of an immediate Parliamentary Reform, mentions the vaſt influence of the Crown ariſing from the augmentations of the Civil Liſt, as one forcible argument in ſupport of the meaſure. " It was evident, that Nobleman obſerved, from many obvious reaſons, that a Reform in Parliamentary Repreſentation was deſireable. In the caſe of the Ruſſian war, the people had ſhewed their want of confidence in Parliament; and Miniſtry had confeſſed, that they did not there look for the ſenſe of the people. The Chancellor of the Exchequer had, on many former occaſions, warmly preſſed the meaſure; and he could not now think him an apoſtate from his former opinions and profeſſions. But it was apprehended, that there was ſomething in the times, which rendered any effort at the Reform peculiarly dangerous. What circumſtance exiſted, which made the preſent moment leſs fit for Reform, than the cloſe of the American war, he could not conceive. Ireland was then in a ſtate of federal inſurrection. It had then been reſolved by both Houſes, that the influence of the Crown had increaſed, was increaſing, and ought to be diminiſhed. But was it not an incontrovertible fact, that its influence had now grown to an unprecedented extent, and was increaſed much beyond all former example. Had not the Scotch and Iriſh patronage been extended beyond what was ever before known? Was not the influence of the Crown immenſely increaſed by the patronage of India? Had not the Civil Liſt been greatly augmented. Had it not been farther ſtrengthened by being diſburdened of proviſions for the branches of the Royal Family? Nay, had not an illuſtrious perſonage of that family been made a *Stalking horſe*, to induce an augmentation of the Civil Liſt, without benefiting in his own pocket? Might it not be ſaid of the Civil Liſt, as of the navy in the reign of Charles the Second, that it was an excellent wooden leg to go a begging with to the Houſe of Commons.

The increaſe of the public revenue, and the accumulation of the national debt, have vaſtly increaſed the influence of the Crown, as they have given a power, unknown before the Revolution, to one of the three branches of the legiſlature; and as public liberty is not guarded againſt the dangers that may ariſe from this power, as it is againſt the dangers that uſed to ariſe from the prerogatives formerly poſſeſſed or claimed by the Crown.

The reader has been told that, at the Revolution, the public revenue amounted to about two millions: The national debt, at that æra, did not exceed that ſum. It has been aſſerted by ſeveral authors, that the revenue might have been ſo increaſed, as to anſwer yearly the annual expences, in which we were involved ſoon afterwards. But King William's miniſtry, inſtead of adopting a meaſure ſo practicable and eligible, fell upon that bold and pernicious expedient of borrowing money on Parliamentary ſecurities,

mons. Every neceſſity which could be urged for Reform at the cloſe of the American war ſtill exiſted, and in an aggravated degree. It could not be denied, but that the people had a right to ſomething, and it was no excuſe for refuſing them, to ſay, if allowed their juſt claims, they would demand more. A creditor would think himſelf but indifferently anſwered, who, claiming a debt of 100l. ſhould receive for reply from his debtor, That he would not pay the 100l. which was his right, leſt he might demand another to which he was not entitled. A moderate and temperate Reform was a meaſure abſolutely neceſſary to wipe off the ruſt and canker of the Conſtitution, and reſtore it to its primitive beauty and ſplendour. Let the people have a proper ſhare in the Government, as well as in its burdens; let them elect their own Magiſtrates, and there was no danger to be apprehended." Such were the ſentiments of an honeſt Peer, and a real patriot—equally a friend to the Sovereign, and to the ſubject.

rities, which forms what is now called the Public Funds, and hath been productive of innumerable evils to this kingdom, not only by increaſing the means of corruption, and the power of the Crown, but by the effect it hath had on the ſpirit of the nation, in our manners and our morals.

Having once begun to borrow at high intereſt, to anticipate and mortgage, we have proceeded through the courſe of a century, contracting new debts; laying on new taxes; creating new funds; engaging in every continental quarrel, however remote from our intereſt; paying immenſe ſubſidies to almoſt all the petty, as well as all the powerful princes, in Europe, for fighting their own battles; and extending our conqueſts and depredations through every part of the world, until we have increaſed the net public revenue to ſeventeen millions a-year, and accumulated the national debt to the immenſe ſum of two hundred and ſixty millions.†

Though the public debts do not exceed 260 millions; yet the people of Great Britain have, according to well informed writers, expended almoſt double that ſum in carrying on their wars, and preſerving their conqueſts. Such are the pernicious effects

† Amount of the national debt, 1ſt February 1793. 249,804,107. Added by this year's war,

Funded 3 *per* cent.	6,250,000	
Vote of credit	1,500,000	
Increaſe of navy bill.	2,500,000	10,25000
		260,054,107.

of long Parliaments, and an unequal repreſentation of the people. In ſupport of this aſſertion, I am happy to be able to quote the authority of that able and eloquent miniſter, Mr Pitt, who, on preſenting his Reform Bill to the Houſe of Commons, amongſt many forcible arguments in ſupport of his motion, held the following, "If there had always been a Houſe of Commons who were the faithful Stewards of the intereſts of their country, the diligent checks on the adminiſtration of the finances, the Conſtitutional adviſers of the executive branch of the Legiſlature, the ſteady and uninfluenced friends of the People, he aſked, if the burdens which the Conſtituents of that Houſe were now doomed to endure, would have been incurred? Would the people of England have ſuffered the calamities to which they had lately been made ſubject?" Undoubtedly they would not.

Now it is evident, that, as we have annually increaſed our debts and our taxes, we have annually increaſed the power and influence of the Crown; and theſe debts, funds, and taxes, being eſtabliſhed for perpetuity, this increaſe of power muſt not only continue, but ſtill increaſe, as long as this ſyſtem of *œconomy* ſubſiſts.

The eſtabliſhment of our funds has neceſſarily hatched a brood of uſurers, bankers, brokers, and ſtock-jobbers, to prey upon the vitals of their country, and to augment the influence of the Crown; and by the increaſe of our taxes, a vaſt number of officers, appointed and paid by the treaſury, have been

been created in every part of the kingdom, and conſequently increaſed the power of the Miniſtry. And notwithſtanding the many acts that have been made to prevent undue influence on the elected, as well as on the electors;† yet long Parliaments, the unfair ſtate of the repreſentation, the eſtabliſhment of the Civil Liſt, the increaſe of the public revenue, of debts and taxes, have increaſed the power of the Crown, to an alarming degree, in the ſcale of our Government:—A power that, as it is more real, and more covered and ſilent, than thoſe prerogatives formerly poſſeſſed by the Crown, may prove much more dangerous to the Conſtitution.

The nature of prerogative, formerly ſo dangerous to our liberties, is now ſo well underſtood, and ſo ſecurely reſtrained, that it can no longer be uſed for the ſame oppreſſive purpoſes; but vice and luxury, the conſtant attendants of wealth, having prepared the minds of the people for luxury and corruption, the Miniſtry, being always in poſſeſſion of the means, the whole of the Public Treaſure, have ſometimes availed themſelves of theſe advantages, and ſupported their Government by corruption.* Corruption has

† The increaſe of ſtatutes to prevent bribery and corruption at elections of members to ſerve in Parliament, is an undeniable proof of the increaſe of corruptions. At the Revolution they amounted only to 14: And in the 31ſt year of the reign of his preſent Majeſty, they increaſed to 65.

* Biſhop Burnet relates, "That he complained to King William of the practice of the Court in bribing and corrupting the members of Parliament. To which the King anſwered, he hated it as much as any man, but ſaw it was not poſſible to avoid it, conſidering the corruption of the age, unleſs he would endangr

has been juſtly conſidered as the greateſt curſe that can befal a nation; and hath been a principal cauſe of the declenſion and fall of every ſtate in the ancient world.

The Britiſh Conſtitution has nothing now to fear either from the Leveller,† the Republican, the Pope, the Pretender, or that Devil—Prerogative:—Corruption, vice, and baſeneſs, are the only enemies that will, ſooner or later, undermine that noble fabric, raiſed by the labour of ſo many centuries, repaired at the expence of ſo many millions, and cemented by ſuch a profuſion of blood;—that fabric, which was able to reſiſt the united efforts of ſo many races of *Giants*, will be at laſt demoliſhed by a race of *Pygmies*—a gang of avaricious, venal, corrupt, cowardly, and rapacious wretches.

Since the memorable æra of the Revolution, the influence of the Crown, ariſing from the augmentation

endanger the whole." Dr Smollet, Major Cartwright, and others aſſert, "That Sir Robert Walpole founded his whole miniſterial power upon bribery and corruption; and that he hath told us, from his own experience, that every man had his price." And the Duke of Richmond has declared, "That his reaſons in favour of a Parliamentary Reform were formed upon the experience of twenty-ſix years, which, whether in or out of Government, had equally convinced him, that the reſtoration of a genuine Houſe of Commons, by the renovations of the rights of the people, was the only remedy againſt that ſyſtem of corruption, which had brought the nation to diſgrace and poverty, and threatened it with the loſs of liberty."

‡ At the time the introduction to this Eſſay was publiſhed, the kingdom had been repreſented to be fermenting into ſedition and inſurrection, through the dangerous writings of Paine and others. But I congratulate my countrymen on that ſpirit of loyalty, peace, and ſubordination, that now ſeems to pervade the whole nation.

tion of our naval and military forces, have increaſed above-four fold; and this power muſt continue to increaſe in proportion to their augmentation.

Our naval and military eſtabliſhments have afford-ed appointments to above ſeven thouſand commiſſion officers, beſides a vaſt number of warrant and non-commiſſion officers, are looking for promotion, places, penſions, and honours; and the majority of this great body of men, together with many of their friends, relations, and connections, are entirely devoted to adminiſtration.

Theſe eſtabliſhments have likewiſe created an army of contractors, agents, bankers and brokers, all ſubmiſſive and tractable, and wholly dependent on Government.

The augmentation of the army hath not only extended the influence of the Miniſtry, but enlarged a devouring, and conſtantly increaſing expence, that of the peace eſtabliſhment, as the number of our ſoldiers is almoſt double to that of our ſeamen, the bulwarks of the Empire.

The candid, and unprejudiced reader muſt acknowlege, that the Bill for the better regulation of the Eaſt India Company's affairs, with all its explanatory and ſupplemental acts, hath given an immenſe weight of influence to Government, and rendered the power of the miniſtry irreſiſtible.

This Bill has placed all matters relating to the civil and military Government, and the revenues of Company, in the hands of Commiſſioners, under the direction and controul of the Miniſtry. Before the

year

the year 1773, the patronage of India was veſted in the Company; but, by this bill, the whole of that immenſe patronage is given to the Miniſtry, and not to the Crown. It is well known, that the Crown had always ſome influence in the Court of Directors, and that it was greatly increaſed by the Regulating Bill, paſſed in the year 1763. Before that period, the Company, without doubt, exerciſed many rights incompatible with the principles of a Commercial limited Company, and highly derogatory to the honour of the Sovereign. "But Mr Pitt's Regulating Bill has eſtabliſhed a Board of Controul, a fourth Eſtate, or department of Government, with powers infinitely exceeding thoſe formerly poſſeſſed by the Company. This Board may tranſact matters of any ſort with the country powers; may treat with, or ally with, or declare war againſt, or make war with, all or any of the powers and Princes of India; may levy armies there to any extent, and command the whole revenues of all our poſſeſſions for their ſupport, without taking his Majeſty's pleaſure upon any of theſe ſubjects in any ſhape, and without acting in his name, or under his authority: And theſe things they may do againſt the will of the directors, and without the knowledge of Parliament. Thus the Board of Controul have ſeparated, and uſurped a part of the executive power, which, according to the principles of our conſtitution, ought ever to remain undivided. The prerogatives of the Crown may be abridged, and ſome of them perhaps totally taken away;

away; but they cannot be divided. *

The patronage of India, ſays Dr Price, ought to be withdrawn from the Crown, as it has given one of the deepeſt wounds to the Conſtitution." But be this as it may, this Bill, by veſting the immenſe patronage of India, in the hands of the Miniſtry, has added ſuch a vaſt increaſe of influence to their already overgrown power, as may, ſooner or latter, cruſh the Conſtitution under its enormous weight.

Such is the exorbitant power which the Crown hath acquired ſince the Revolution: A power that hath effectually deſtroyed the balance of the three branches of the Legiſlature, ſo eſſential to our Conſtitution, and neceſſary to ſupport it.

Now it muſt be evident, that, in order to reſtore and preſerve the equilibrium of our Government, the Conſtitution ought to be brought back to its original principles, by the re-eſtabliſhment of Annual or Triennial Parliaments, and an equal Repreſentation.

But though the neceſſity of a Parliamentary Reform be very apparent, and admitted by all, except by thoſe who are blinded by intereſt or prejudice; yet, with great deference to the opinion of many reſpectable characters, diſtinguiſhed by their rank, their abilities, and patriotiſm, I muſt think, that the preſent period, when engaged in a war with a brave and powerful people, determined, if properly ſupport-

* See Mr Sheridan's comparative ſtatement of the two Bills for the better management of the Britiſh poſſeſſions in India.

ed by their generals and Senators, to make a ſacrifice of their lives rather than their liberties, is not the proper ſeaſon for bringing forward a meaſure of ſo great importance. But, on the return of peace, it is to be hoped, nay, the Public have reaſon to expect, that the principal leaders of both Parties, as well as the great body of the People, will unite, and reſtore the Conſtitution to its firſt principles, by ſhortening the duration of Parliaments, and by giving to the people, for whoſe benefit Government was inſtituted, their due ſhare in the Legiſlature.

It is a maxim of Machiavel's, that famous, that infamous, Italian Politician, "That no free people can poſſibly preſerve their liberties for any great number of ages, without reſtoring the decays which time and corruption always create in their Conſtitution, by recurring back, at proper periods, to its firſt principles.†" This maxim, founded upon truth, is confirmed by univerſal experience. For power delegated by the people, either to one or more perſons, is ever progreſſive and increaſing; and conſequently muſt, in the end, become quite abſolute, if the people do not in time put a ſtop to its progreſs, by uſing every legal and conſtitutional means in their power, to draw back the Conſtitution to the principles on which it was originally founded. The people have an inherent right as freemen, and a conſtitutional right as Britons, to meet in a peaceable manner,

† Lord Bacon, one of the wiſeſt of mankind, obſerves, "That time is the greateſt innovator; and if time of courſe alter things to the worſe, and if wiſdom and counſel ſhall not alter them to the better, what ſhall be the end?"

manner, and communicate together about their grievances; and to petition the Legiſlature, in order to obtain redreſs of them: And the moment they are deprived of this right, they ceaſe to be freemen.

The Earl of Lauderdale, in his proteſt againſt the addreſs of the Houſe of Lords to his Majeſty, on the Proclamation; obſerves, "that a moderate and temperate Reform of the abuſes of the Conſtitution is due to the people, who being on their part juſt to the Monarchical and Ariſtocratical branches of the Conſtitution; who commit no invaſion of the rights, and ſeek no abridgement of the powers of either, are entitled to their own ſhare in the legiſlation of their country, freed from the unjuſt uſurpation of others, and to poſſeſs uninvaded, and to exerciſe uncontrouled by the other branches of the Government, thoſe rights which this happy Conſtitution, in the matchleſs excellence of its principles, has ſolely and excluſively allotted to the people. A Reform of ſuch a character and deſcription may leſſen the means and diminiſh the opportunities of corrupting legiſlation both in its ſource and in its progreſs; it may reduce the influence by which unconſtitutional Miniſters preſerve their power, but it will ſave the nation from their profuſion, and perpetuate that Conſtitution which all equally profeſs to venerate. Such a Reform, I believe, cannot with perfect ſafety be long delayed—the more readily and cheerfully thoſe rights which belong only to the people are reſtored by thoſe who at preſent, in too many inſtances, poſſeſs and excerciſe them, the more firm and eſtab-

liſhed will be the preſent happy form of our Government, the more ſafe from riſk and danger will be the juſt prerogatives of the Crown, and the peculiar acknowledged hereditary privileges of this Houſe."

Such were the patriotic ſentiments of a noble Peer, unbiaſſed by intereſt or party prejudice, and inviolably attached to the principles of the Conſtitution, and to the rights of the people.

It muſt be evident, that Annual or Triennial Parliaments, and an equal repreſentation, would not only reſtore the Conſtitution to its firſt principles, and preſerve the balance of the three branches of the Legiſlature, but would be productive of many advantages to this country. This meaſure would render the Houſe of Commons ſo honeſtly and ſubſtantially the repreſentatives of the people, that republicans would no longer have topics of invective, nor miniſters the means of corruption. It would correct all the abuſes which through time and faction have crept into the Government. It would leſſen the national expences ſeveral millions annually; and conſequently diminiſh the heavy burdens of the people. It would ſtrengthen the baſis of the Revolution upon which the ſettlement of the illuſtrious reigning Family is founded; and render our ſyſtem of Government the moſt perfect that was ever eſtabliſhed either in the ancient or modern world.

I ſhall here take the liberty to offer to the public, a ſhort ſketch of a plan, founded upon the authority of well informed writers, as well as upon reaſon and

juſtice,

juſtice, for reducing the annual expence of Government three millions.

Several reſpectable authors are apprehenſive, that our taxes, the natural conſequences of our enormous debt, and our expenſive civil, military, and naval eſtabliſhments, are multiplying to ſuch a degree, as will entirely cruſh all art and induſtry, and at laſt prove the ruin of the State.

It has been very clearly demonſtrated by Dr Smith, the ingenious author of the Inquiry into the Nature and Cauſes of the Wealth of Nations, "That a public debt is, to every State, a calamity of the moſt ruinous kind; and that the waſte of public treaſure, by great fleets and armies, though the whole of the money were to be ſpent at home, muſt prove pernicious and deſtructive; nay, that it would be almoſt as much ſo then, as when they are maintained at an equal expence abroad. That, in both caſes, the national ſtock is equally diminiſhed, and the money, which ſhould give exertion to uſeful and productive induſtry, is diverted to the waſteful maintenance of unproductive mouths; and that the taxes by which this revenue muſt be raiſed from the people, muſt at laſt, in a manner, extinguiſh the agriculture, induſtry, and manufactures of the kingdom."

That our taxes are already as heavy as the people can well bear, is evident from the laudable calculations of Mr William Morton Pitt, a gentleman highly reſpected by adminiſtration. Through a patriotic ſpirit of inquiry, that gentleman has diſcovered that, owing

ing to their burdens, "The poor could not make both ends meet." How was the deficiency ſupplied? by poor rates and pariſh taxes, which had already ſwelled to the enormous ſum of two millions.

Now we all own, that the moſt ſanguine imagination cannot hope, either that this or any future miniſtry will be poſſeſſed of ſuch rigid and ſteady frugality, as to make any conſiderable progreſs in the payment of our debts; or that the ſituation of foreign affairs will, for any length of time, allow them leiſure or tranquillity ſufficient for ſuch an undertaking. What then is to become of the people of this iſland? I anſwer, that a reformation of the civil eſtabliſhments, a reduction of the military peace eſtabliſhment, an abolition of all ſinecure places, and unneceſſary penſions, the ſale of Gibralter, the ceſſion of Canada, the ſuppreſſion of that monopoly—deſtructive of liberty and induſtry—the Eaſt India Company, and a ſyſtem of rigid economy in every department of Government, would diminiſh the annual expences of the Empire above three millions; and conſequently leſſen that increaſing load of taxes under which the nation muſt ultimately ſink.

"A reform in the royal houſehold, and other civil eſtabliſhments, would, according to Mr Burke's plan, not only give to the public above 300,000 l. annually, but would extinguiſh ſecret corruption almoſt to the poſſibility of its exiſtence, and deſtroy direct and viſible influence equal to the offices of at leaſt fifty members of Parliament."

The

The reduction of the military peace eſtabliſhment to what it was before the commencement of the war in 1756, the abolition of all ſinecure places, unneceſſary penſions, and ſeveral of our uſeleſs and expenſive fortreſſes, would produce a ſaving to the public of at leaſt 600,000 l. annually.

It isadmitted by all parties, that the unneceſſary penſions are given, and the ſinecure eſtabliſhments retained for the purpoſe of influence. And it is evident, that ſeveral of our fortreſſes, which were originally erected in order to bridle the country, are kept up more for patronage, than for defence againſt foreign invaders. On this head I ſhall quote the opinion of Judge Blackſtone, whoſe words are, "That the uniform and perſevering oppoſition made by our anceſtors to the erection of barracks, was founded on a juſt underſtanding of the true principles of our excellent conſtitution, and upon high and legal authorities, whoſe recorded opinions were, that ſoldiers ſhould be quartered with the people—and that no barracks, no iſland fortifications, could be permitted with ſafety to the liberties of the people."

Our dominion of the ſea, our commerce and ſafety, require a reſpectable naval force, even in time of peace: And the conſtant expence of that force, added to the public debt, render it neceſſary for us to be as ſparing as poſſible of our diſburſements for land forces. Beſides the oppreſſive taxes occaſioned by a great ſtanding army, both ancient and modern hiſtory ſhow us, that ſlavery and arbitrary power have been the conſequences of keeping up a ſtanding

army

army for any number of years, particularly in time of peace. Carthage, the moſt powerful maritime and commercial State in the ancient world, was brought to the brink of ruin by her mercenary forces in time of peace; was defeated in their great wars; and at laſt ſubdued by the Romans. The militia of mighty Rome made her miſtreſs of the world: But ſtanding armies enſlaved that great people, and their excellent militia and ſyſtem of Government periſhed together.

The free Government of Spain was firſt undermined by corruption; and at laſt totally demoliſhed by a ſtanding army. A majority of the Cortes, or Parliament, was bribed; the Nobility was detached from the common intereſt by titles, places, penſions, and grants. The nation ſaw itſelf betrayed, and the people proteſted loudly againſt the proceedings of their Repreſentatives. A regular and well diſciplined army, which defended the conqueſt of Navarre againſt the French, marched into Caſtile, defeated the Commons, and extinguiſhed liberty in a country where it had long been declining. Thus was the Spaniſh nation ſacrificed to a faction, and an excellent Conſtitution deſtroyed, in favour of a profligate Government.

In England, the ſame army, which raiſed Cromwell to the Protectorate, brought the King to the ſcaffold, pulled down the Houſe of Peers, dragged the Commons by the legs out of the Houſe, and made ſlaves of the whole realm,—afterwards placed Charles the Second on the throne of his Anceſtors.

In

In the year 1738, the Earl of Cheſterfield, in an animated ſpeech againſt a ſtanding army, obſerves, "It is the machine by which the chains of ſlavery are rivetted upon a free people. They may be ſecretly prepared by corruption: But unleſs a ſtanding army protect thoſe that forged them, the people will break them aſunder, and chop off the polluted hands by which they were prepared. By degrees a free people muſt be accuſtomed to a ſtanding army; by degrees that army muſt be made ſtrong enough to hold them in ſubjection. England has been for many years accuſtomed to a ſtanding army; under the pretence of its being neceſſary to aſſiſt the civil power: And, by degrees the number and ſtrength of it have been increaſing. At the acceſſion of the late King, it did not exceed ſix thouſand; it ſoon amounted to twice that number; and has ſince been augmented under various pretences." He therefore concluded, that ſlavery, under the diſguiſe of an army for protecting the liberties of the people, was creeping in upon them by degrees.‡

It muſt be admitted by the intelligent and unbiaſſed reader, that a well regulated militia, compoſed of the nobility, the gentry, the traders and yeomanry of theſe kingdoms—of all thoſe who are poſſeſſed of property, and have ſomething to loſe, and from

‡ During the adminiſtration of Sir Robert Walpole, public meaſures had been ſo iniquitouſly conducted at home, and with ſo little ſpirit abroad, that his Lordſhip, aſhamed of being employed by ſuch a Miniſtry, reſigned his place of Lord Steward of the King's houſehold: And though married to the illegitimate daughter of George the 1ſt, he formally aſſociated himſelf with the oppoſition, making every poſſible attempt to ſtem the tide of corruption, and preſerve the liberties of the ſubject.

the intereſt of their reſpective ſhares, are equally concerned in the preſervation of the whole, is not only the Conſtitutional, but the beſt internal defence for Great Britain. Of ſuch as theſe the Roman armies were compoſed, who raiſed the Empire to the ſummit of its power and grandeur. Every Roman ſoldier was a citizen poſſeſſed of property, and equally intereſted in the ſafety of the Republic. Marius was the firſt man who broke through that wiſe maxim, and raiſed his forces out of the ſixth claſs, which conſiſted only of the dregs and refuſe of the people. Marius too gave the firſt ſtab to the Conſtitution of his country.

The Lacedemonians, owing to their militia, the beſt that ever was in any government, maintained their liberty, and reputation in arms, during the ſpace of eight hundred years.

The Swiſs at this day are free and happy, and the people of all Europe who can beſt defend themſelves, becauſe they have the beſt militia.

" A good militia," ſays Fletcher of Saltoun, that penetrating ſtateſman, and paſſionate lover of liberty " is of ſuch importance to a nation, that it is the chief part of the Conſtitution of any free government. For though, as to other things, the Conſtitution be ever ſo ſlight, a good militia will always preſerve the public liberty. But in the beſt Conſtitution that ever was, as to all other parts of government, if the militia be not upon a right footing, the liberty of that people muſt periſh. Liberty, in the Monarchical governments of Europe, ſubſiſted as long as the

the militia of the Barons was on foot: But on the decay of their militia, (which though it was none of the beſt, ſo was it none of the worſt) ſtanding forces and tyranny have been every where introduced, unleſs in Britain and Ireland; which, by reaſon of their ſituation, having the ſea for a frontier, and a powerful fleet to protect them, could afford no pretence for ſuch forces."‡

The Hiſtory of all ages demonſtrates that people of property and induſtry are not only the chief ſupport, but the beſt and ſafeſt defence of a free and opulent country; and their example will always have a proper influence upon their inferiors.

It is therefore the duty of every Scotchman, who feels the honour of his country wounded, by the repeated refuſal of the Legiſlature to give them the privilege of arms—the badge of diſtinction between freemen and ſlaves—to uſe conſtant and inceſſant endeavours to make good their claim of right, by applying to Parliament year after year, till they obtain the eſtabliſhment of a Militia, for their ſecurity and defence againſt internal enemies, as well as foreign invaders. Let them attend to the examples that are pointed out to them in the fall of other nations; let them guard with jealous vigilance the Conſtitution of their country; leſt, like the greateſt Empire that ever was, that of the Romans

‡ Saltoun's Political Diſcourſes were publiſhed after the peace of Ryſwick, when William's Parliament diſbanded the army as an incumbrance in times of peace; nor did they ſpare the Dutch guards (who were become extremely obnoxious to the people) though ſtrongly importuned thereto, by an expreſs meſſage from the King.

on their decadency, they become ſo luxurious and effeminate, as to leave the uſe of arms to ſtrangers and mercenaries. †

The people of Great Britain have not only laviſhed their blood and treaſure in extending their conqueſts through every part of the world, but have been loaded with additional annual burdens to maintain and defend them.

Gibralter, that impregnable rock, is not intrinſically work, to this nation, the powder and ball that were expended in its late gallant defence; and will be a perpetual bone of contention between Spain and Britain. It has been in our poſſeſſion above eighty years, and, including its annual expence, which amounts to about half-a-million, and the expences incurred by the wars ſuſtained for its defence, has already coſt this nation above ſixty millions. It has been ſaid by ſome that Gibralter is the Key to the Mediterranean; but others have, with great truth, affirmed, that our fleets are not only the keys to that ſea and to all others, but our fortreſſes; and the mariners, that trade and commerce only can furniſh, are

† Upon this ſubject Dr Smith makes the following judicious remark, "That the ſecurity of every ſociety muſt always depend, more or leſs, upon the martial ſpirit of the great body of the people. In the preſent times, indeed, that martial ſpirit alone, and unſupported by a well diſciplined ſtanding army, would not perhaps have been ſufficient for the defence and ſecurity of any Society. But where every citizen had the ſpirit of a ſoldier, a ſmaller ſtanding army would ſurely be requiſite; that ſpirit beſides would neceſſarily diminiſh very much the dangers to liberty, whether real or imaginary, which are commonly apprehended from a ſtanding army. As it would very much facilitate the operations of that army againſt an invader, ſo it would obſtruct them as much, if ever they ſhould be unfortunately directed againſt the Conſtitution of the State."

are the garriſons to defend them.* It has been often aſſerted, that Spain would purchaſe it at the expence of ten millions. This, the Earl of Stair obſerves, "would be a double advantage, an expence ceaſing, and a profit ariſing; and both together would, it is preſumed, produce to the public a benefit of one million yearly." But notwithſtanding this Noble author's calculation, I ſhall only eſtimate the annual ſaving at 600,000 pounds.

This nation has expended above one hundred and fifty millions in the conqueſt of Canada, in eſtabliſhing and defending her colonies, and in an unſucceſsful ſtruggle to retain their allegiance; and now only poſſeſſes the bleak and barren country of Nova Scotia, and the wild and extenſive province of Canada—that invaluable acquiſition, which was to ſupply our Weſt India iſlands with every thing neceſſary for their cultivation, and the ſubſiſtance of their inhabitants; and to indemnify us, by its furs, for all the treaſure expended in our wars on that continent.

This province does not yield any revenue to defray the expence of its preſent peace eſtabliſhment, which exceeds 600,000 l. a year; and, inſtead of affording our iſlands the neceſſary ſupplies, cannot ſupport

* In the Spaniſh negotiation in 1757, the Earl of Chatham (then Mr Pitt) propoſed to cede Gibraltar to Spain, and again, in 1761, he offered it as the price of the Family Compact. Theſe propoſals evince, that this fortreſs was not, in the opinion of that eminent politician and ſtateſman, of much importance to Britain.—Vide his Life, in two large Volumes juſt publiſhed.

ſupport its own inhabitants: Government has been obliged to open a trade with the American States, not only to ſupply the iſlands, but the province itſelf, with proviſions and other neceſſaries.‖

The Dean of Glouceſter, ſpeaking of Canada, remarks, "That ſince the reduction of that province, beavers, furs, and hats, are dearer than ever; and that all the woollens that have been conſumed in that country by the native inhabitants, do hardly amount to a greater quantity than thoſe very ſoldiers would have worn and conſumed, who were loſt in the taking, defending, and garriſoning, of that province."

The maintaining diſtant poſſeſſions, by a ſtrong military force, when theſe poſſeſſions do not yield a revenue ſufficient to defray the expence, muſt end in the ruin of every country. The Spaniſh monarchy was not ſo much debilitated by the loſs of the Seven United Provinces, as by the expence of maintaining thoſe which adhered to her.

The commercial and warlike Republics of Athens and Carthage, as well as the great ancient Empires, were firſt weakened by, and finally ſunk under the weight of their diſtant and expenſive colonies and conqueſts.

Have not our conqueſts and colonies already weakened, and are ſtill weakening the Empire? Are we

‖ America will always ſupply our iſlands with proviſions; and Nova Scotia will afford them lumber, &c. and its harbours an aſſylum for our Newfoundland Fiſhers.

we not obliged to maintain a great military and naval force, in order to defend our American provinces and iſlands? Has not experience taught us, that ſince we have loſt America, we enjoy a more advantageous commerce with it as an independent State, than we did when it formed a part of the Britiſh dominions? Is it not probable, nay, almoſt certain, that America will, in the ſpace of a century, riſe to be a powerful maritime and commercial Empire? Can we then long preſerve Canada, Nova Scotia, or even our Sugar iſlands? Certainly we cannot.

Mr M'Intoſh, with regard to the colonies of France, obſerves, "That colonial poſſeſſions have been ſo unanſwerably demonſtrated to be commercially uſeleſs, and politically ruinous, that the conviction of philoſophers cannot fail of having, in due time, its effect on the minds of enlightened Europe, and delivering the French Empire from this cumbrous and deſtruſtive appendage."

As neither Gibralter nor Canada afford any revenue for defraying the expence of their civil and military peace eſtabliſhments, but greatly increaſe the expence of the government of the Empire, they ought to be given up. But ſuch ſacrifices, I acknowledge, though they might be for the intereſt, are always mortifying to the pride of a nation; and what, perhaps, may have ſtill greater influence, they are always contrary to the private intereſt of the governing part of it, who would thereby be deprived of the diſpoſal of many places of truſt and

profit

profit, and of many opportunities of acquiring wealth and diſtinction, which the poſſeſſion of the moſt unprofitable province ſeldom fails to afford.

Warned, therefore, by the recent diſmemberment of our own Empire, by that of the Spaniſh Monarchy, and by the fall of all the mighty States and Empires in the ancient world, we ought to learn to guard againſt the ſpirit of conqueſt; as the tranquillity and ſtrength of all theſe States and Monarchies decreaſed in proportion as they were extended. Let us ſet bounds to that luſt of dominion, for the ſake of trade, with which we have been infatuated during a whole century;¶ and let dear bought experience teach us, that our conqueſts and colonial poſſeſſions, have already weakened the Empire, and that, in order to give it ſtability, and relief to the people,

¶ Smollet obſerves, "That when the tide of traffic has flowed to its higheſt mark, it will then begin to recede in a gradual ebb, until it has ſhrunk within the narrow limits of its original channel." Whether the tide of our commerce has flowed to its higheſt mark, and begun to ebb, it is not for me to ſay. But it is the opinion of many, that if half the money expended on our Continental wars, and our diſtant, ideal, and pernicious conqueſts, had been laid out in cultivating and improving the barren ground of the kingdom, Britain would have been a much more wealthy, populous, and flouriſhing nation, than it is at preſent. Commerce, that parent of luxury and magnificence, is precarious and fluctuating; and has introduced, among the modern, as well as the ancient nations, luxury and effeminacy, the leading cauſes of the declenſion and fall of every State in the ancient world. But the culture of lands, and the breeding of cattle, are inexhauſtible funds of wealth; as it is from them, that the moſt elevated ranks are furniſhed not only with the neceſſaries, but even the luxuries of life. For, as the Abbe Fleury juſtly remarks, "It is the peaſant who feeds the citizen, the magiſtrate, the gentleman, the eccleſiaſtic:" And, notwithſtanding all the artifice and craft of converting money into commodities, and theſe back again into money; yet all muſt be ultimately owned to be received from the products of the earth, and the animals which ſhe ſuſtains and nouriſhes."

people, for whoſe benefit and ſafety every free Government was inſtituted, it ought to be diſencumbered of all its expenſive and ruinous appendages.

Our conqueſts and depredations in India have not only diſgraced the national character, and weakened the Empire, but are continually draining it of its people, the chief ſupport of every State, in order to gratify the ambition of the Eaſt India Company, and ſatiate the inordinate avarice of its ſervants.

Experience hath taught mankind in all ages, that all monopolies are reſtraints and oppreſſions upon trade, and conſequently deſtructive of induſtry and liberty; and it ought to have convinced us that the monopoly of the Eaſt India Company has not only been prejudicial, but diſgraceful to the nation.

By the monopoly granted to the Eaſt India Company, Dr Smith obſerves, "That all the other ſubjects of the State are taxed very abſurdly in two different ways: Firſt, by the high price of goods, which, in the caſe of a fair trade, they could buy much cheaper. And, ſecondly, by their total excluſion from a branch of buſineſs, which it might be both convenient and profitable for many of them to carry on. It is for the moſt worthleſs of all purpoſes too, that they are taxed in this manner: It is merely to enable the Company to ſupport the negligence, profuſion, and malverſation of their own ſervants, whoſe diſorderly conduct ſeldom allows the dividend of the Company to exceed the ordinary rate of profit in trades which are altogether free; and very frequently makes it fall even a good deal ſhort of that rate."

"In India," ſays Dr Price, "Engliſhmen, actuated by the love of plunder, and the ſpirit of conqueſt, have depopulated whole kingdoms, and ruined millions of innocent people by the moſt infamous oppreſſion and rapacity.—The juſtice of the nation has ſlept over theſe enormities. Will the juſtice of Heaven ſleep? Are we not now execrated on both ſides of the globe."

As the people of Great Britain have laviſhed their blood and treaſure in aſſiſting the Company to acquire their vaſt territories, and have been loaded with additional annual burdens to preſerve them; and as theſe acquiſitions muſt, on account of our trade and revenue, be kept and maintained, the community at large have a juſt claim to a participation of the advantages ariſing from the India trade. I ſhall briefly endeavour to ſhow the vaſt advantages that would reſult to the public by the ſuppreſſion of this monopoly; and point out a plan for ſatisfying all the juſt claims the Company may have on Government, upon the trade's being laid open to the public, which muſt, ſooner or later, inevitably happen.

From the laſt ſtate of the Company's affairs given into Parliament by Mr Dundas, it appeared, that their debts amounted to almoſt eleven millions; that the groſs amount of their revenue was 6,897,730 l.; and that the charges on this revenue were 5,283,707 l. Deducting this ſum from the groſs revenue, their remains of net annual revenue, after defraying all commercial, civil, and military charges, 1,614,013 l.

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This ſum was to be appropriated towards paying intereſt, liquidating the debt, and for inveſtments.

Now if a ſinking fund of a million *per* annum, will pay off a hundred millions of the national debt in forty years, an annual fund of 1,600,000 l. muſt, in the ſpace of a few years, not only extinguiſh a debt of eleven millions, but indemnify the Company for their fortifications and buildings, and for every other juſt claim they may have upon Government; and afterwards, allowing 600,000l. for contiagencies, one million would remain to be applied annually either to diminiſh the public taxes, or to increaſe the ſinking fund.

Beſides theſe advantages, an open commerce to India would augment our inland trade; extend our navigation, and of courſe our power; increaſe the public revenue; and improve our manufactures and agriculture, the genuine ſources of national wealth. "The trade to the Eaſt Indies," Dr Smith juſtly obſerves, "by opening a market to the commodities of Europe, or what comes nearly to the ſame thing, to the gold and ſilver which is purchaſed with theſe commodities, muſt neceſſarily tend to increaſe the annual production of European commodities, and conſequently the real wealth of Europe. That it has hitherto increaſed them ſo little, is probably owing to the reſtraints which it every where labours under."

According to ſeveral reſpectable writers, the above or ſome ſimilar plan would be conſiderably improved by a diminution of all ſalaries exceeding a cer-

tain ſum; by the ſuppreſſion of all bounties; by an equal land tax†; and by ſimplifiing the taxes.

In the year 1775, Dr Price remarked, "That the net public revenue amounted to ten millions‡; and the expence of collecting the taxes, including bounties, to the enormous ſum of two millions. But as the increaſed price of one commodity has a tendency to raiſe the price of other commodies; and as alſo dealers generally add more than the value of a tax to the price of a commodity, beſides charging intereſt for the money they advance on the taxes; for theſe reaſons, it ſeems certain, that the taxes have an indirect effect of great conſequence; and that a larger ſum is drawn by them from the public than their groſs produce.—It is farther to be conſidered, that many of the perſons who are now ſupported by collecting the taxes, would have ſupported themſelves by commerce or agriculture; and, therefore, inſtead of taking away from the public ſtock, would have been employed in increaſing it.—Some have reckoned, that on all theſe accounts the expence of the taxes is doubled; but this

† Major Cartwright obſerves, "That when the land tax is nominally at four ſhillings in the pound, according to the beſt information he was able to meet with, it does not, upon an average throughout the kingdom, in reality, pay nine pence. I refer the reader to this Author's Eſſay on the Engliſh Conſtitution, in which he ſhows the bad policy of paying out of the national funds, granted for the ſervice of the ſtate, five ſhillings a quarter upon the exportation of wheat," &c. &c.

‡ At that time the national debt amounted only to 140 millions.

this muſt be extravagant. Let us ſuppoſe a fifth only added; and it will follow, that the money drawn from the public by the taxes (excluſive of thoſe which maintain the poor) was fourteen millions *per* annum; a ſum almoſt equal to the whole ſpecie of the kingdom; which, therefore, had we no paper currency, would be totally inadequate to the wants of the kingdom."

According to this calculation, which Dr Price ſeems to think moderate, the whole money raiſed directly by the taxes, at the preſent period, amounts to above twenty two millions; a ſum far exceeding the whole ſpecie in the kingdom, which is about fourteen or fifteen millions†. Of this ſeveral millions muſt be hoarded at the bank. At the Revolution, the ſpecie of the kingdom amounted, according to Dr Davenant, to eighteen millions and a half." Our circulating ſpecie, therefore, appears to be greatly decreaſed. But our wealth, or the quantity of money in the kingdom, is greatly increaſed. "This," ſays Dr Price, "is paper to a vaſt amount, iſſued in almoſt every corner of the kingdom; and, particularly by the Bank of England. While this paper maintains its credit, it anſwers all the purpoſes of ſpecie, and is in all reſpects the ſame with money."

Specie repreſents ſome real value in goods or commodities. On the contrary; paper repreſents immediately

† See Drs Davenant and Price's works. But Sir William Chalmers, who wrote lately, eſtimates the ſpecie of the kingdom at twenty five millions--a ſum not equal to the twentieth part of the paper currency.

mediately nothing but ſpecie. It is a promiſe, or obligation, which the emitter brings himſelf under to pay a given ſum in coin; and it owes its currency to the credit of the emitter; or to an opinion that he is able to make good his engagement; and that the ſum ſpecified may be received upon being demanded—Paper, therefore, repreſents coin; and coin repreſents real value. That is, the one is a *ſign* of wealth: The other is the *ſign* of that *ſign*. But farther, coin is an univerſal ſign of wealth, and will procure it every where. It will bear any alarm, and ſtand any ſhock.—On the contrary, paper, owing its currency to opinion, has only a local and imaginary value. It can ſtand no ſhock. It is deſtroyed by the approach of danger; or even the ſuſpicion of danger.

In ſhort, coin is the baſis of our paper credit; and were it either all deſtroyed, or were only the quantity of it reduced beyond a certain limit, the paper circulation of the kingdom would ſink at once. But, were our paper deſtroyed, the coin would not only remain, but riſe in value, in proportion to the quantity of paper deſtroyed.

From this account it follows, that as far as, in any circumſtances, ſpecie is not to be procured in exchange for paper, it repreſents nothing, and is worth nothing.——The ſpecie of this kingdom is inconſiderable, compared with the amount of the paper circulating in it. This is generally admitted; and, therefore, it is natural to enquire how its currency is ſupported.—The anſwer is eaſy. It is ſupported

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in the ſame manner with all other bubbles. Were all to demand ſpecie in exchange for their notes, payment could not be made; but, at the ſame time, that this is known, every one truſts, that no alarm producing ſuch a demand will happen, while he holds the paper he is poſſeſſed of; and that if it ſhould happen, he will ſtand a chance for being firſt paid; and this makes him eaſy. And it alſo makes all with whom he traffics eaſy.—But let any events happen which threaten danger; and every one will become diffident. A run will take place; and a bankruptcy follow.

This is an account of what has often happened in private credit. And it is alſo an account of what will (if no change of meaſures take place) happen ſome time or other in public credit. The deſcription I have given of our paper-circulation implies, that nothing can be more delicate or hazardous. It is an immenſe fabrick, with its head in the clouds, that is continually trembling with every adverſe blaſt and every fluctuation of trade; and which, "like the baſeleſs fabric of a viſion, may in a moment vaniſh, and leave no wreck behind."

After enumerating the cauſes which would, in all probability, produce a national bankruptcy, and ſhowing its dire effects; the ſame Author adds, "Theſe are ſubjects on which I ſhould have choſen to be ſilent, did I not think it neceſſary, that this country ſhould be appriſed and warned of the danger which threatens it. This danger is created chiefly by the national debt. High taxes are neceſ-

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ſary to ſupport a great public debt; and a large ſupply of caſh is neceſſary to ſupport high taxes. This caſh we owe to our paper; and, in proportion to our paper, muſt be the productiveneſs of our taxes. —King William's wars drained the kingdom of its ſpecie. This ſunk the revenue, and diſtreſſed Government. In 1694 the Bank was eſtabliſhed; and the kingdom was provided with a ſubſtitute for ſpecie. The taxes became again productive. The revenue roſe; and Government was relieved.—Ever ſince that period our paper and taxes have been increaſing together, and ſupporting one another; and one reaſon, uudoubtedly, of the late increaſe in the productiveneſs of our taxes has been the increaſe of our paper.

Public banks are, undoubtedly, attended with great conveniencies. But they alſo do great harm; and, if their emiſſions are not reſtrained, and conducted with great wiſdom, they may prove the moſt pernicious of all inſtitutions; not only, by ſubſtituting fictitious for real wealth; by increaſing luxury; by raiſing the prices of proviſions; by concealing an unfavourable balance of trade; and by rendering a kingdom incapable of bearing any internal tumults or external attacks, without the danger of a dreadful convulſion: But, particularly by becoming inſtruments in the hands of Miniſters of ſtate to increaſe their influence, to leſſen their dependence on the people, and keep up a deluſive ſhow of public proſperity, when, perhaps, ruin may be near. There is, in truth, nothing that a Government

vernment may not do with ſuch a mine at its command as a public bank, while it can maintain its credit; nor, therefore, is there any thing more likely to be improperly and dangerouſly uſed.—May Heaven, he concludes, raiſe up for us ſome great Stateſman who ſhall ſee theſe things; and enter into effectual meaſures, if not too late, for extricating and preſerving us!"

In order, therefore, to preſerve, and give ſtability to the Empire, a coalition of parties will be abſolutely neceſſary. A coalition of the Whig and Tory parties, by defeating the efforts of prerogative, ſaved this nation at the Revolution; and it is ardently to be wiſhed, that a coalition of the rival parties of the preſent day may ſave it from bankruptcy, as well as from the effects of corruption and luxury. May their principal leaders, unbiaſſed by ſelf-intereſt, and diveſted of all party diſtinctions and prejudices, adopt ſome ſimilar plan to that which I have preſumed to ſuggeſt; by which the influence of the Crown would be reduced; the Parliament would become more independent; public liberty would be better ſecured; the annual expences of the Government would be greatly diminiſhed; the circulating ſpecie, the real wealth of the kingdom, would be increaſed; and, of courſe, the fictitious or imaginary wealth, the paper circulation would be reduced; the Conſtitution would be re-eſtabliſhed upon its original principles; and the kingdom would be reſtored to a ſituation of permanent ſafety and proſperity. The whole of the taxes neceſſary to be levied, might

then be eaſily thrown upon a few articles of luxury, and every oppreſſion upon the induſtry of the people, by taxes on the neceſſaries of life, might be entirely removed.

CONCLUSION.

In theſe perilous times, when truth is ſometimes reprobated as libellous and ſeditious, I have entrenched myſelf in quotations from the ſpeeches of the greateſt Senators, and from the productions of the firſt authors, either in the ancient or modern world. Supported by ſuch authorities, and ſenſible of having uſed my weak efforts to re-eſtabliſh and ſupport the Conſtitution, I ſhall conclude this Treatiſe (which I have ventured to offer, though ſenſible of its imperfections, but conſcious of the rectitude of my intentions, to the indulgence of a candid and impartial public) with a quotation from Lord Bolingbroke, which is very appoſite to the ſubject, and very important to every Briton.

"We have already obſerved," ſays that noble author in his Diſſertation on Parties, "that the Conſtitution of the Britiſh Government ſuppoſes our Kings may abuſe their power, and our Repreſentatives betray their truſt; and provides, as far as human wiſdom can provide, that neither one, nor the other, may be able to do ſo long, without a ſufficient controul. Here let us obſerve, that the ſame Conſtitution is very

very far from ſuppoſing the people will ever betray themſelves, and yet this caſe is poſſible, no doubt. We do not read, I think, of more than one nation,* who refuſed liberty, when it was offered to them; but we read of many, and have almoſt ſeen ſome, who loſt it through their own fault, by the plain and neceſſary conſequences of their own conduct, when they were in full poſſeſſion of it, and had the means of ſecuring it effectually in their power. A wiſe and brave people will neither be cozened nor bullied out of their liberty; but a wiſe and brave people may ceaſe to be ſuch; they may degenerate; they may ſink into ſloth and luxury; they may reſign themſelves to a treacherous conduct; or abet the enemies of the Conſtitution, under a notion of ſupporting the friends of the Government; they may want the ſenſe to diſcern their danger in time; or the courage to remonſtrate, when it ſtares them in the face. The Tarquins were expelled, and Rome reſumed her liberty. Cæſar was murdered, and all his race extinct; but Rome remained in bondage. From whence this difference? Machiavel ſhall account for it.† In the days of Tarquin, the people of Rome were not yet corrupted. In the days of Cæſar, they were moſt corrupt. A free people may be ſometimes betrayed; but no people will betray themſelves, and ſacrifice their liberty,

* The Cappadocians: vid. Strabo, Lib. 12. Libertatem repudiaverunt, ut quam ſibi dicerent intolerabilem.

† Diſcourſes, Lib. 1. 6. 17.

unleſs they fall into a ſtate of univerſal corruption; and when they are once fallen into ſuch a ſtate, they will be ſure to loſe what they deſerve no longer to enjoy. To what purpoſe therefore ſhould our Conſtitution have ſuppoſed a caſe, in which no remedy can avail; a caſe, which can never happen till the ſpirit, which formed this Conſtitution firſt, and hath preſerved it ever ſince, ſhall be totally extinguiſhed; and till it becomes an ideal Entity, like the Utopia, exiſting in the imagination, or memory, no where elſe? As all Government began, ſo all Governments muſt end, by the people; Tyrannical Governments by their virtue and courage, and free Governments by their vice and baſeneſs. Our Conſtitution, indeed, makes it impoſſible to deſtroy liberty by any ſudden blaſt of popular fury, or by the treachery of a few; for though the many cannot eaſily hurt, they may eaſily ſave themſelves. But if the many will concur with the few; if they will adviſedly and deliberately ſuffer their liberty to be taken away by thoſe, to whom they delegate power to preſerve it; this no Conſtitution can prevent. God would not even ſupport his own Theocracy againſt the concurrent deſire of the children of Iſrael, but gave them a King in his anger. How then ſhould our human Conſtitution of Government ſupport itſelf againſt ſo univerſal a change, as we here ſuppoſe, in the temper and character of our people? It cannot be. We may give ourſelves a tyrant in our folly, if we pleaſe. But this can never happen till the whole nation falls into a ſtate

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of political reprobation. Then, and not till then, political damnation will be our lot."

May heaven avert ſo great a calamity! May the people, animated by the ſpirit of liberty, loyalty, and patriotiſm, be ever prepared to defend the Conſtitution, as eſtabliſhed in King, Lords, and Commons, againſt all internal as well as foreign attacks! And how ſoon the bleſſings of peace are reſtored, the moſt proper ſeaſon for diſcuſſing the important queſtion of a Parliamentary Reform, a meaſure deemed indiſpenſibly neceſſary by all parties; let the people, unawed by power, unbiaſſed by ſelf-intereſt, and uninfluenced by party, unite their heads and hearts, and petition the Legiſlature inceſſantly, untill they obtain, from their juſtice and wiſdom, Annual or Triennial Parliaments, and an equal Repreſentation, the genuine principles of their Conſtitution, the everlaſting guardians to their laws and liberties; and tranſmit that excellent ſyſtem of Government, raiſed by the courage, the genius, and the virtue of their Anceſtors, in purity and vigour, to the lateſt poſterity.

FINIS.

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ERRATA.

Page 16, line 29th, for *exact*, read *exalt.*

Page 24, line 17th, for *unto the Romans*, read *into the Roman.*

Page 30, line 27th, for *it is uncertain*, read *that it is uncertain.*

Page 32, line 13th, for *defect* read *defeat.*

Page 48, line 13th, for *the irregular*, read *their regular*

Page 70, line 1ſt, for *receeding*, read *proceeding.*

Page 72, line 3d, for *to divert the Ariſtocracy*, read to *divert the ſtorm which threatened the Ariſtocracy.*

Page 84, line 20th, for *was raiſed*, read *which raiſed.*

Page 85, line 12th. for *ſubject* read *object.*

Page 104, line 13th, for *or ſuch*, read *on ſuch.*

Page 105, line 15th, for *oblation*, read *oblations.*

Page 109. line 1ſt, for *on the Government*, read *of the Government.*

Page 119. line 11th, for *ſtatue*, read *ſtatute.*

Page 169, line 4th, for *Pope's bull*, read *the Pope's bull.*

Page 104, line 11th, for *the enemies*, read *his enemies.*

Page 209, line 4th, for *ratified*, read *rectified.*

Page 279, line 7th, for *are looking*, read *all looking.*

Page 279, line 30th, for *of Company*, read *of the Company.*

Page 288, line 5th, for *their great wars*, read *three great wars.*